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Clarendon Press Series

THE SONG OF LEWES

KINGSFORD

London
HENRY FROWDE



OXFORD UNIVERSITY PRESS WAREHOUSE
AMEN CORNER, E.C.

Anal. p. 154.

Clarendon Press Series

[Carmen de vita lewesi]

THE

SONG OF LEWES

EDITED

WITH INTRODUCTION AND NOTES

BY

C. L. KINGSFORD, M.A.

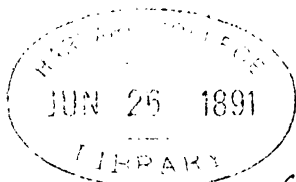
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P R E F A C E.

THE historical importance of the poem known as the Song of Lewes makes any apology for its republication unnecessary. It was included by Mr. Wright in the volume of 'Political Songs' which he edited for the Camden Society, but apart from other defects, the text there given is not satisfactory; obvious corruptions of the manuscript are reproduced without comment, and on the other hand variations occur without any indication as to what the reading of the manuscript is. The present edition will, I hope, be found a faithful reproduction of the original text; the spelling of the manuscript has been preserved, and the supplied letters have been marked by the use of italics. In addition to an Introduction, Notes, and Translation, I have appended a short sketch of the chief early mediaeval writers on kingship, which may prove useful for purposes of comparison with the theory given in the Song, and also an itinerary of the king's movements in the early part of 1264. At the end is printed a curious French poem, 'La Besturné,' of the same date and from the same manuscript as the Song of Lewes.

In conclusion, I have to express my sincere thanks to Mr. F. York Powell, at whose suggestion I began to work at this poem, for constant and ready advice; and also to Mr. Reginald L. Poole and the Rev. W. H. Hutton, for their kindness in reading portions of my proofs.

C. L. KINGSFORD.

May 14, 1890.

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INTRODUCTION.

THE constitutional struggle which culminated in the Barons' War was the occasion of an outburst of political songs more numerous and important than those produced at any one previous epoch of English History. Both by their numbers and by the sentiments which they express, they supply us with the best of evidence for the growth of a genuine national sentiment during the fifty years which had elapsed since the first granting of the Great Charter. All the songs on the Barons' War which have survived favour the constitutional cause, and several which are written in French, together with one in English, may well have had a truly popular circulation. The Latin poems on the other hand must of necessity have appealed to a narrower circle, and the most important of the whole collection, the Song of Lewes, owing to the nature of its arguments, could not have been comprehended by the popular classes, but is 'clearly a manifesto, amongst themselves, of the men whose preaching guided the people¹.' As such, therefore, it is the most complete contemporary statement of the programme put forth by the constitutional party, and it is to this that the Song owes its position as an historical document of the first importance.

§ 1. HISTORY AND DESCRIPTION OF THE MANUSCRIPT.

From internal evidence there can be no doubt that the song was written in the period between the battles of Lewes and Evesham, probably during the latter half of 1264, whilst De Montfort was still at the height of his power²; and in all likelihood

¹ Stubbs, *Const. Hist.* ii. 313.

² Cf. especially ll. 413, 414:

Hec angli de prelio legite lewensi,
Cuius patrociniū uiuitis defensi.

the single copy which has survived dates from the same time. This copy is contained in Harley MS. 978, a volume which Sir Frederick Madden, at least as regards the earlier portion, considered to have been written in the Abbey of Reading¹. In this earlier portion there is a part of a Calendar which contains the obits of Abbats Roger, 19 Jan. [1164]; Auscherius, 27 Jan. [1135]; Reginald, 3 Feb. [1158]; Joseph, 8 Feb. [circa 1180]; and Symon, 13 Feb. [1226]. All these occur in the list of Abbats of Reading², and the complete Calendar, which is left unfinished in our MS., is found—with the exception of December—in the Cartulary of Reading, Cotton MS. Vesp. E. v. f. 11 v^o–16 v^o. The part of this Cartulary which is coeval with the Calendar was from internal evidence written about the year 1240, and the latest obit recorded by the original hand in the Calendar is that of Abbat Adam de Latebury, 6 April, 1238. From these facts Sir Frederick Madden considered it proved by internal evidence, 'First, that the Calendar in both MSS.' and consequently the preceding parts, 'was written in 1240 or very little later. Secondly that the Calendars . . . were undoubtedly written at Reading by a monk of that house.'

The volume may possibly have remained in the Abbey, for though there is no book in the catalogue of the Reading Abbey Library contained in the Fingall Cartulary³, with which it can certainly be identified, it may be one of the seven Antiphonaries mentioned there, since the earlier part of the volume is of that character. There are no entries in the volume which afford any clue to its owners, and of a few notes scribbled on the fly-leaves one alone is of any interest: '5 martij 1595. sunt in hoc libro folia conscripta 182' on f. 162 r^o. From other sources,

¹ See note in Ellis, *On Early English Pronunciation* (Early English Text Society), Part II. p. 420; and Sir F. Madden's own note in the beginning of the volume itself: 'In all probability the earlier portion of this volume was written in the Abbey of Reading, about the year 1240. Compare the obits in the Calendar with those in the Calendar of the Cartulary of Reading in MS. Cott. Vesp. E. v. F. M. April 1862.'

² Browne Willis, *History of the Mitred Parliamentary Abbies*, i. p. 159.

³ Printed in *English Historical Review*, vol. iii. pp. 116–125. It dates from the fifteenth century.

however, we can prove that early in the seventeenth century the volume was in the possession of Dr. Edward Lapworth¹ of Magdalen College, Oxford, and first Sedleian Professor of Natural Philosophy, 1619-1635. What became of Dr. Lapworth's books after his death we do not know; his only daughter and heiress, Anne, had a son William Joyner, who was successively Demy and Fellow of Magdalen, 1636-1644². Joyner was a man of some learning and the author of several works; he may therefore possibly enough have inherited his grandfather's books and our MS. among them. He died in Sept. 1706. This would agree sufficiently well with the acquisition of the volume by Harley, which was probably previous to 1708, since Humphrey Wanley, who became librarian in that year, has left no record, according to his usual practice, of the manner of its acquisition.

Whilst the manuscript was in the possession of Dr. Lapworth a considerable portion of it was transcribed by Richard James of Corpus Christi College, and nephew of Thomas James, first Librarian of the Bodleian. Richard James, who died in 1638, is described by Sir Simon d'Ewes as 'an atheistical profane scholar, but otherwise witty and moderately learned'; according to Wood he was 'a very good Grecian, a poet, an excellent critic, antiquary, and admirably well-skilled in the Saxon and Gothic languages³.' He was a friend of Selden and Sir Robert Cotton⁴, and seems himself to have had a special

¹ Edward Lapworth, originally of C. C. C. Cambridge, migrated to Oxford, and became master of Magdalen School 1598-1610, Bachelor of Physic March 1611, Doctor June 1611. He died in 1636 at Bath, where he practised during the summer as a physician. He was the author of some Latin lines on various subjects. Bloxam, Register of Magdalen College, iii. 138-141. Wood, Hist. and Antiq. Oxf. ii. 870.

² He resigned his Fellowship in 1644, on becoming a Roman Catholic, and afterwards lived much abroad. In 1687 he was restored to his Fellowship, but 'outed next year'; he died Sept. 1706. In later life he was a friend of Hearne, who says 'he would often mention his books as curious of their kind, yet when he died it appeared they were but ordinary.' Bloxam, Register, v. pp. 144-8. Wood, Ath. Ox. iv. 587.

³ Ath. Oxon. ii. 629-632.

⁴ James assisted Sir R. Cotton in the arrangement of his library, and

interest in English history, having collected a variety of extracts from MSS., chronicles, and registers, and early writers, particularly with reference to the corruptions of the clergy before the Reformation, and in opposition to Beket. These Collectanea form the chief part of the James MSS. now in the Bodleian Library, for which they were purchased in 1676 from the library of Dr. T. Greaves, a friend of Richard James¹.

The volume numbered 32 in this collection is the transcript of Harley 978 already referred to; it consists of 82 pages besides blank fly-leaves; on p. 1 is a note 'MS. Doctoris Lapworth,' and at the end is written 'Haec desumpta sunt ex MS. Doctoris Lapworth.' That the MS. referred to is identical with Harley 978 is evident from the fact that all the pieces contained in James 32 are found in the Harleian MS., and in the same order, except that the Cuckoo Song is given at the end, the remainder of the extracts being of a more purely historical character. The transcript of the Song of Lewes (pp. 59-80), moreover, is obviously copied from the Harleian MS.; it repeats mere errors of the copyist², or, when it varies, the variations are either corrections of obvious blunders³, or such mistakes as may easily occur in copying⁴. Variations of the latter class are, however, few in number, and the transcript is on the whole a faithful one; but it is, of course, of no value for determining the text, though not without interest as testifying to the condition of the MS. two hundred and sixty years ago⁵.

many of the lists of Contents prefixed to MSS. in the Cottonian collection are in his hand-writing.

¹ Macray, *Annals of the Bodleian*, 1st ed. pp. 103, 104.

² As for instance 'amplexus' l. 44; 'magis dexteram' l. 275; 'faciat' l. 602; 'omnium' l. 798; '*Et libertatem*' l. 831; 'per se putabit' l. 928.

³ As for instance 'bellici' l. 128; 'movisset' l. 325; 'regis et' l. 609; 'sensus' l. 660.

⁴ So in l. 257 James has 'adventus' for 'euentus'; in l. 409 'fecit' for 'cepit'; and in l. 454 'cuncta,' copied from the previous line in place of 'res.'

⁵ James MS. 32 contains in all 18 pieces, viz. those numbered below 73, 79, 80, 81, 83, 85, 86, 87, 89, 90, 91, 92, 95, 96, 99, 100, 109 and 8 (the Cuckoo Song). James had previously made some other short extracts from Dr. Lapworth's MS.; they are now contained in James

The Harleian MS. 978 is a small vellum quarto in a binding of the early part of the last century, and stamped with Harley's coat of arms. It now consists of 172 leaves,—including blank fly-leaves,—but originally there were 182 leaves in the body of the manuscript, as we learn from a note on f. 162 r^o already referred to, and from the most ancient pagination¹. The first portion down to f. 15 r^o is an Antiphonary; then follow a Calendar, a number of medical recipes, and a collection of satirical and political poems, one of the oldest and most important of such collections that we possess; and the volume closes with twelve of the lays of Marie de France. For the most part, though not entirely, it is written in double columns. With regard to the date of writing, the hands are various, but all, with one unimportant exception, belong to the 13th century²; the oldest parts, as already stated, dating from about 1240.

The detailed contents are as follows³:

1. Antiphona. Inc. 'Samson dux fortissime,' f. 1 r^o⁴.
2. Antiphona. Inc. 'Regina clemencie maria uocata,' f. 4 v^o.
3. (2.) Antiphona. Inc. 'Cum maria credidit fide firmans mentem,' f. 6 r^o.
4. (2.) Antiphona. Inc. 'Ave gloriosa uirginum regina,' f.
5. (3.) [Symphoniae, ut Musici loquuntur, duabus partibus simul sonandis, adaptatae], f. 8 v^o.
6. (4.) Antiphona. Inc. 'Ave gloriosa mater saluatoris' in black letters, 'Duce creature uirgine marie' in red, f. 9 v^o.
7. Antiphona. Inc. 'Felix sanctorum eximius apostolorum duodenarius,' f. 10 v^o. Additional words on f. 11 r^o.

MS. 2. pp. 84-95, among them are four passages from the Song, viz. lines 59-82, 197-247, 417-436, and 765-872.

¹ This shows that in all 22 folia are missing, between those now numbered 37 and 38.

² See note on fly-leaf: 'The whole is of the thirteenth century, except some writing on ff. 15 b-17 F. M.' The exception consists of a portion of the Calendar.

³ In the following catalogue the folia are given according to the latest numbering. The numbers in brackets are those of Wanley's Catalogue, and the bracketed titles are those which are supplied by him.

⁴ This and the following articles down to No. 11 are accompanied by the musical notation.

8. (5.) Antiphona. Inc. 'Perspice christicola' in red letters; above it in black a Catch or Rota beginning 'Svmer is icumen in,' f. 11 v^o¹.
9. (6.) Antiphona. Inc. 'Eterni numinis mater,' f. 12 r^o.
10. (7.) Antiphona. [In laudem T. Beketti.] Inc. 'Ante thronum regentis omnia festinatur thome presentia,' f. 13 r^o.
11. (8.) Antiphona. Inc. 'Gaude Salutata uirgo,' f. 13 v^o.
12. (9.) [Precepta nonnulla musicalia, quibus premittitur scala musices per Guidonem Aretinum excogitata], f. 14 r^o.
13. (10.) [Calendarium Romanum, cum prognosticis quibusdam ex consideratione lunae adscriptis], f. 15 v^o².
- 14-68. (11-65.) [Nonnulla Medicinalia.]
The most important of these articles are :
 14. (11.) Epistola Aristotelis ad Alexandrum de conseruatione sanitatis. Inc. 'Oportet te, o Alexander cum a sompno surrexeris,' f. 22 r^o³.
 15. (12.) Avicenna de conseruacione sanitatis. Inc. 'Oportet quod seruatur sanitatis,' f. 23 r^o.
 24. (21.) Chaudes Herbes, f. 26 r^o⁴.
 25. (22.) Freides Herbes, f. 27 r^o⁴.
- 26-67. (23-64.) A number of medical receipts, mostly in old French, but some in Latin.
68. (65.) [Praecepta medicinalia, quae Latinis versibus ex Arabico Libro dicto Cirolaterium—intelligendum Secretum Secretorum Aristotelis—vertit Johannes Hispanus, Reginaeque Hispaniae dicavit.] Inc. 'Domine regine dei

¹ This is the well-known Cuckoo Song, which is the most ancient example of a musical composition of this character. Often printed, see especially Chappell's *Popular Music of the Olden Time*, i. 21-25. (The frontispiece to this volume is a facsimile of f. 11. v^o.)

² The original hand only wrote the obits for January and February with the Prognostications to April. A later hand added the latter down to August, and the last four months are only blocked out.

³ From the *Secreta Secretorum*, cf. art. 68.

⁴ These vocabularies give the English, French, and often the Latin names of a number of plants. Printed in Wright's *Library of National Antiquities*, vol. i., Wülcker's *Old English Vocabularies and Earle's English Plant Names*.

gracia hyspanie Johannes hyspanensis salutem. Cum de utilitate corporis,' f. 35 v^o.

69. (66.) Adnotatio de numero stadiorum a terra usque ad Lunam, Solem, et thronum Dei, f. 37 r^o.

70. (67.) [Virtutes scabiosae versibus resonantibus.] Inc. 'Urbanus per se nescit parcium scabiose,' f. 37 r^o.

f. 37 v^o is blank, and after it, as the old pagination shows, twenty-two folia are missing.

71. (68.) [Epistola commendatoria cujusdam G. de N. per abbatem westmonasteriensem], f. 38 r^o.

72. (69.) [Litera credentiae Ro. de N. ad R. abbatem N.], f. 38 r^o.

73. (70.) Epistola Goliardi Anglici. Inc. 'Omnibus in Gallia Anglus Goliardus,' f. 38 v^o¹.

74. (71.) [Tetrastichon de quattuor animalibus in totidem elementis vitam ducentibus.] Inc. 'Quattuor ex puris,' f. 38 v^o.

75. (72.) [Adnotatio de natura Salamandrae.] Inc. 'Salamandra uocata,' f. 38 v^o.

76. (73.) [Praecepta moralia versibus maxima ex parte resonantibus.] Inc. 'Nos aper auditu, linx uisu, simea gustu,' f. 39 r^o.

77. (74.) Ci cumence le ysope. The Fables of Aesop, in old French verse, with a prologue and epilogue. Prologus inc. 'Cil ki seiuent de lectrure,' f. 40 r^o².

78. (75.) [Confficcio inter corpus et animam.] Inc. 'Noctis sub silentio,' f. 68 v^o³.

79. (76.) Apocalipsis Golye Episcopi. Inc. 'A tauro torrida,' f. 75 r^o⁴.

80. (77.) Confessio ejusdem. Inc. 'Aestuans intrinsecus,' f. 78 r^o⁵.

¹ In 'Latin Poems attributed to Walter Map,' p. 69. Edited for the Camden Society by Mr. T. Wright.

² The Aesop of Marie de France, who also wrote the Lais at the end of the MS. Printed in 'Poesies de Marie de France' edited by B. Roquefort, Paris 1824. See Hazlitt's edition of Warton's History of English Poetry, vol. 1. pp. 175-7.

³ Printed in 'Latin Poems attributed to Walter Map,' p. 95.

⁴ Ib. p. 1.

⁵ Ib. p. 71.

81. (78.) Gol. [Poema Macaronicum de transmutatione vestis.] Inc. 'Ego dixi dei estis,' f. 78 v^o¹.
82. (79.) Gol. [Querela Bursae.] Inc. 'Diues eram et dilectus,' f. 79 v^o.
83. (80.) Gol. [Satyra in pravos praelatos et clericos.] Inc. 'Nostri moris esse solet,' f. 80 v^o².
84. (81.) Gol. [Anathema in raptorem pilei sui.] Inc. 'Raptor mei pilei,' f. 82 r^o.
85. (82.) Gol. [Versus de more cujusdam circa invitationem ad prandendum.] Inc. 'Non inuitatus uenio,' f. 82 v^o.
86. (83.) De Mauro et Zoilo. Inc. 'Nuper ducta serio plagam ad australem,' f. 82 v^o³.
87. (84.) Contra auaros. Inc. 'Quam sit lata scelerum,' f. 84 v^o⁴.
88. (85.) Versus [sive Diversorum memoranda varia Moralia, Theologica, Medicinalia]. Inc. 'Omnis origo mali sunt ista superbia liuor,' f. 85 v^o.
89. (86.) Inuectio contra auariciam. Inc. 'Utar contra uicia,' f. 87 r^o⁵.
90. (87.) Item ad idem. [Contra Romani Cleri auariciam.] Inc. 'Cum declinent homines,' f. 87 v^o.
91. (88.) Item ad idem. Inc. 'Quis potest cupere,' f. 88 v^o.
92. (89.) [Tetrastichon.] f. 89 r^o. col. 2⁶.
 Roma capit marcas, loculos exhaust & arcas;
 Vt oculis parcas, fuge papas & patriarchas.
 Roma manus rodit, si rodere non ualet, odit;
 Dantes exaudit, non dantibus ostia claudit.
93. (90.) Visio cujusdam de morte Sancti Thome Martyris.

¹ In Wright's Political Songs, p. 51, as 'Song upon the Tailors.' This poem is prefaced by the first three lines of Ovid's Metamorphoses 'In nova fert animus,' etc.

² Latin Poems, p. 57.

³ Ib. p. 243.

⁴ In Wright's Political Songs, p. 27. In MS. Bodleian Add. A. 44 as Inuectio cujusdam in Prelatos, which MS. exhibits some important variations of reading. The poem seems to be peculiar to these two MSS. See Collation in English Historical Review for April, 1890, p. 325.

⁵ Wright's Political Songs, p. 14.

⁶ This epigram, given here in full, has not I think been printed before.

Inc. 'Cum cepissent crescere dampna noctis prima,'
f. 89 v^o.

94. (91.) 'Incipit confessio regis H. secundi super uerbo quod protulit ex improvise coram militibus, ex quo occasionem acceperunt occidendi Sanctum Thom. Archiepiscopum. Edita a magistro Rad. Prunimensi monacho cluniacensi.' Inc.

'In conspectu matris ecclesie
Plango suplex ego rex anglie.' f. 90 v^o¹.

95. (92.) [Contra ambiciosos et avaros clericos et laicos.] Inc. 'Missus sum in uineam,' f. 92 r^o.

96. (93.) [De depravatione morum universa.] Inc. 'Elyconis riuulo modicum respersus,' f. 93 v^o.

97. (94.) [De tentatione atque vanitate mundi.] Inc. 'Sýrenum uoces et cyrtes pocula nostra,' f. 94 r^o.

98. (95.) Tristich. [de Senectute]. Inc. 'Cum sexagesimum.' f. 94 v^o.

99. (96.) De Phillide et Flora. Inc. 'Aurei parte florida celo puriore,' f. 94 v^o².

100. (97.) De p[resbytero] et l[ogico]. Inc. 'Hora nona sabbatis tempore florenti,' f. 96 v^o³.

101. (97*.) [Dicta nonnulla.] (1) Dict. Inc. 'O spina noxia latet in lilio,' f. 98 v^o. col. 1. (2) De grauitate loquendi. Inc. 'Inter multiloquos et grandia uerba ferentes,' f. 98 v^o. 1. (3) Dict. Inc. 'Si quis cordis et oculi non sentit in se iurgia,' f. 98 v^o. 2.

102. (98.) De incarnatione domini. Inc. 'Circa partum uirginis contra ius nature,' f. 99 r^o.

103. (99.) De summa trinitate et de incarnatione domini. Inc. 'Multis a confratribus pridie rogatus,' f. 99 v^o.

104. (100.) Metamorphosis Golýe Episcopi. Inc. 'Sole post arietem taurum subintrante,' f. 100 v^o⁴.

105. (101.) [Satyra versibus rhythmicis.] Inc. 'Mundi libet uicia,' f. 102 v^o⁵.

¹ Nothing is known of this Ralph; there was a *Benedictine* Monastery at *Prumia* in the diocese of Treves. The piece consists of 184 lines.

² Latin Poems, etc. p. 243.

³ Ibid. p. 251.

⁴ Ibid. p. 21.

⁵ Wright's Political Songs, p. 46, as 'A Song on the Times.'

106. (102.) Le Doctrinal. [Poema Ethicum Normanno-Gallice.] Inc. 'Oez seignurs e entendez que deu uus beneie,' f. 103 r^o.
107. (103.) De tribus angelis qui retraxerunt a nupciis. Inc. 'Sit deo gloria laus benedictio,' f. 104 v^o. 2.
108. (104.) La Besturné. [An humorsome poem in old French, the author whereof seems to have affected obscurity, and unequal numbers; as also—as far as in him lay—to play the satyrist upon some particular persons, besides the citizens of Winchester in general.] Inc. 'Estrangement se fet mun quer dolent,' f. 106 r^o 1.
109. (105.) [Narracio Anglicane victorie, i. e. Poema rhythmicum super uictoria per Comitem Simonem de Monteforti ac alios barones in proelio apud Lewes adepta A.D. 1264.] Inc. 'Calamus uelociter,' ff. 107 r^o–114 v^o 2.
110. (106.) De conjugio patris et matris Beati Thome Martýris. Inc. 'Hvnc autem ut paulo alcius sermonem historie repetamus,' fol. 114 v^o 3.
111. Ci comence coment Gilebert beket le pere seint thomas espusa sa femme la mère seint thomas le martir. Inc. 'Gileber beket burgeis de lundres,' f. 116 r^o 4.
112. (107.) [An old poem in French on the art of keeping birds—or hawks—used in fowling. . . . In verse written as

¹ Written after 1262, as it refers to John of Exeter who was made Bishop of Winchester in October of that year. Printed in the Appendix to this volume, pp. 154–8.

² The title is Wanley's, in the MS. a place is left for the rubric, which has never been filled in. The first five lines of col. 1 on f. 107 are taken up with the end of art. 108, then follows one blank line, and the remainder of the column contains the first 26 lines of the Song; there are 32 lines in each column down to the end of f. 110 v^o, and after that to the end 33.

³ This article gives the well-known story of Gilbert Beket's Saracen wife, and is after the first few lines identical with the account of the legend given in Bromton col. 1052–55 in Twysden's *Scriptores Decem*. It is worthy of notice as showing that the legend grew up within a century of the death of Thomas Beket.

⁴ This article, which ends abruptly after 5 lines, is not noticed by Wanley. It was apparently a translation of part of the preceding article.

prose.] Inc. 'Bel uncle cher io le sai par ueir ke en bon oisel ad riche auoir,' f. 116 v^o¹. (f. 117 r^o. is blank.)

- 113-124. (108-119). Twelve of the lays of Marie de France², with a prologue. Inc. 'Ki deus ad dune en science,' f. 118 r^o. The lays are: Guigemar, f. 118 v^o. Equitan, f. 125 r^o. Freisne, f. 127 v^o. Bisclaveret, f. 131 v^o. Lanval, f. 133 v^o. Deus Amanz, f. 138 v^o. Ywenet, f. 140 r^o. Laustic, f. 144 r^o. Milun, f. 145 r^o. Chaitivel, f. 149 r^o. Cheverefoil, f. 150 v^o. Eliduc, f. 151 v^o.

[Denique aliena manu scribuntur Catalogi Antiphonarum in Ecclesia canendarum, viz. :]

125. (120.) Ordo primus W. de Wint., f. 160 v^o.
 126. (121.) B. [Responsoria ?] W. de Wič., f. 160 v^o.
 127. (122.) Cund. f. 160 v^o.
 128. (123.) Motettae cum una litera et duplici nota, f. 161.
 129. (124.) Motettae cum duplici litera, f. 161 r^o.
 130. (125.) Motettae cum duplici nota, f. 161 r^o.
 131. (126.) Motettae cum duplici litera, f. 161 r^o.

As already stated, the manuscript is written in various hands. The first hand ceases on f. 34 v^o in the midst of the medical recipes; the second hand only proceeds as far as f. 35 v^o. col. 2. l. 3; the third hand to the end of 38 v^o; in the next hand is written article 76, and then commences the Aesop, written in a very beautiful hand, apparently identical with that of the Lais at the end of the volume. Article 78 is written in a hand which is quite different from any of the others and must be very late xiiith century. With the next article begins another hand, which lasts to article 112 (ff. 75 r^o-117 r^o); this is the hand in which all the political and satirical poems—except for art. 78—are written, and among them of course the Song of Lewes, which was probably written about the time of composition; the whole of this portion therefore may be considered to date from 1260-1270. On f. 118 r^o begin the Lais which, as already observed, appear to be in the

¹ The author says he took the matter from the book of King Edward of England. Probably he means Edward the Confessor.

² Cf. art. 77. The two articles are apparently written in the same hand. There is an English translation of the lays in MS. Cotton Caligula A. xi.

same hand as the Aesop. The Catalogi on f. 160 v^o and 161 v^o are in a different hand, written in brownish ink.

The writing of the seventh hand—that of the Song—is good and clear, although the manuscript is by no means free from mistakes of a careless kind¹, from errors which violate the metre², neglect the rhyme³, or break the rules of grammar⁴. These classes of error cover the large proportion of the changes suggested in the foot-notes, and the less obvious alterations are comparatively few.

§ 2. THE AUTHOR.

With regard to the author of the Song we have no direct information; but there can be little doubt that he was a Franciscan Friar, probably one who had been educated at Oxford under the influence of Adam Marsh and Bishop Grosseteste, and who, like the rest of his order, would thus have sympathised warmly with Earl Simon and the constitutional cause. Whoever the writer may have been, he was thoroughly familiar with the principles and objects of the best section of the constitutional party, and was a warm, not to say enthusiastic, admirer of Earl Simon. It is not impossible that he may have been attached to the earl's household, and to this opinion his apparently genuine acquaintance with de Montfort's personal sentiments will the more incline us⁵. Perhaps, even, he was present

¹ As 'nouisset,' l. 325; 'inueniere,' l. 352; 'regisset,' l. 609; 'Phara,' l. 615; 'uiri,' l. 829.

² As for instance l. 671:—

Ad quid uult libera lex reges artari,

where there is a syllable wanting; and l. 831, where both sense and metre require the omission of 'et'; for a like reason 'dari' must be inserted in l. 275, and 'non' in l. 928.

³ Thus the following changes are required: l. 270, 'reconsiliat' to rhyme with 'humiliat'; l. 602, 'fecerit' for 'faciat' to rhyme with 'contigerit'; l. 798, 'ordini' for 'omnium' to rhyme with 'regimini'; l. 846 'erigat' for 'erigit' to rhyme with 'corrigat'; l. 967, 'obtemperant' for 'obtemperant' to rhyme with 'facerent.'

⁴ The grammar supports the last two changes in the previous note, also 'adiuuet' in l. 846, 'dat' l. 442, 'sint' l. 611, and some others.

⁵ See ll. 185–284 describing the Earl's attitude before Lewes, and more particularly ll. 198–206.

at Lewes in the earl's train; his account of the negotiations before the battle (ll. 185-284) shows some signs of personal knowledge, and the manner of his allusion to Stephen Berkstead, Bishop of Chichester (ll. 193-6), suggests that he had a special feeling of attachment for that prelate; Berkstead's share in the negotiations is only mentioned here and in the Dover Chronicle (MS. Cotton Julius, D. v., from which it was copied by the Continuator of Gervase, ii. p. 236, and the Canterbury Polistorie, MS. Harley, 636). In other matters also our writer shows that he had exceptional opportunities for obtaining information as to the incidents of the campaign of Lewes; the depredations at Battle and Robertsbridge (ll. 55-62) are not elsewhere referred to, except in the Battle Chronicle (Bodleian MS., Rawlinson, B. 150); the royalist army is nowhere so plainly charged with dissolute and riotous conduct (ll. 151-184), except in the Chronicle of Lanercost (p. 74), the writer of which tells us that he derived his information from one who was present at the battle. These are the only incidents in the whole of the Barons' War to which our writer alludes except in the most general terms; they depend for corroboration not on the most generally diffused accounts, but on three which we have reason to regard as supplying special and firsthand information. We may, therefore, be justified in assuming that our writer was present at Lewes, and his knowledge of the comparatively trivial incidents at Robertsbridge and Battle may be due to his having been with de Montfort and the king when they lodged at the latter abbey on the Saturday after the Battle of Lewes (Pat. Roll). The writer's presence granted, it is not perhaps too much to conjecture that he was one of the Franciscan Friars who accompanied Bishop Berkstead on his mission¹, and who afterwards took part in the negotiations which

¹ 'Barones . . . mandabant domino regi per episcopum cicestrie et quosdam fratres minores.' Chr. Dover. f. 46 r°. Cf. Continuator of Gervase, Rolls Series, ii. p. 236. That the writer was one of these Friars seems the more probable from the very detailed account which he gives of Berkstead's mission (ll. 193-247), and the total absence of any explicit reference to the mission of the Bishops of London and Worcester next day, although the remainder of the passage (ll. 248-260) probably refers to it. See note on l. 257. The omissions in this account are not incompatible with the conjecture of the writer's share in the negotiations, for the Song makes no pretence to be a narrative.

led to the *Mise of Lewes*¹. These last conjectures are the more likely if we may suppose that he was attached to the household and enjoyed the confidence of Earl Simon, which, as already suggested, is not improbable. No doubt all this is mere conjecture, but it may perhaps slightly enhance the value of the Song, as tending to show that we have in it a statement of the earl's own sentiments, from the hand of one whose position entitled him to speak with authority.

This is as far as the internal evidence of the Song will carry us. Can we extract any further information from contemporary literature? It is a not unreasonable conjecture that so skilled a writer would have left other poems in support of his hero and his cause. A few slight coincidences of expression may be found in the Song on the Barons given in *Rishanger, De Bellis*, pp. 18-20. Compare its last stanza :

Honor vobis maximus erit laus et dingna,
Si respiret Anglia vestra gerens singna;
Quam ut cito liberet a peste malingna,
Adjuvet nunc Domini pietas beningna :

with lines 9 and 10 of the Song of Lewes :

Iam respirat anglia sperans libertatem
Cui dei gracia det prosperitatem.

The special point made of the denunciation of the aliens, and the appeal to Earl Simon to neglect his personal interest (stanza 8 and lines 325-338) supply some further points of resemblance ; the Song on the Barons seems also, like our Song, to be the work of one who was in a special sense a supporter of the earl. Again the poem on the early years of Edward I (*Wright's Political Songs*, pp. 133-136) appears to be the work of some old follower of Simon, and the bitter lament for the destruction of true peace would be not inappropriate in the mouth of one who had said of the earl :

Fides et fidelitas symonis solius
Fit pacis integritas anglie tocus. 267, 268².

¹ Hemingb. i. p. 318, and Trivet, p. 260.

² It would, perhaps, be too much to draw any further argument from the use of the same metre in these poems, since it is common enough ;

A closer resemblance may be traced in the three hymns for Simon de Montfort given by Mr. Prothero in his *Life* (pp. 388–391). These hymns form part of an office for Simon de Montfort. Now we know from the *Melrose Chronicle* that ‘after Simon’s death the Friars Minor, whom he had religiously loved, and who moreover were themselves acquainted with his inmost thoughts in many things, taking matter of speech concerning his life from his most excellent deeds, published a worthy history of him, to wit lessons, responses, verses, hymns, and other things which pertain to the glory and honour of a martyr¹.’ That the publication here referred to was, in part at least, identical with the office printed by Mr. Prothero seems the more likely from the fact that the chronicler, in a passage immediately previous to the one quoted above, has compared Simon to Thomas Beket, and this comparison is also the subject of the second hymn in the office. Furthermore there are some rather close coincidences between these hymns and our Song. The most remarkable parallel is that between the opening verses of Hymn III and lines 426, 427 : see note on l. 426, where the hymn is quoted. The three following verses of Hymn I likewise show many points of general resemblance to the language of the Song :

Heu dolorum nos multorum
torquet infortunium :
Simon cesus cadit lesus
anglie presidium,
Comes fidus regni sidus,
decus et flos militum.

Est iactura nimis dura
regno et ecclesie :
Simon fortis casum mortis
causa rei puppice
Sumit, cadit dum inuadit
prelium perfidie.

but, so far as it goes, it is not unfavourable to the suggestion in the text. See further below, pp. xxxiii, xxxiv.

¹ *Chronica de Mailros*, p. 212. Bannatyne Club.

Iuris sator exstirpator
 fuit iniusticie,
 Effugator et dampnator
 fraudis et iniurie,
 Pacis dator et seruator
 plebis et ecclesie.

The resemblance is only a general one, and there is no particularly marked expression which is common to this hymn and to the Song; but compare lines 263-270, 325-348¹.

Although no identity of authorship can even here be deduced with certainty, the parallelism is not without value as supplying some evidence as to the language commonly used by Earl Simon's immediate friends. It is almost certain that both the Song of Lewes and the Office are the work of a Franciscan Friar, and if we cannot positively say that both are the work of the same hand, it is at least possible that there was some such connection between them.

To belief in this connection one is the more inclined because the Melrose Chronicler, in his account of those slain at Evesham, mentions an 'editio facta de bello Lawensi'; it seems very probable that the treatise here referred to is actually our poem, for, from the manner in which it is spoken of, it was plainly not a narrative of the battle, but, like the Song, was a justification of the part which the Barons had taken in opposing the aliens and maintaining the rights of the realm².

¹ See also note on p. xxiii below.

² It will be well to give the passage at length:—'*Occubuit igitur (Symon) cum multis ex magnatibus Anglie qui venerant ad bellum, ut decertarent pro justitia Anglie; cujus postmodum justitie infallibile signum fuit crebra miraculorum exhibitio divinitus exhibita circa Hugonem Dispensatorem . . . et circa Simonem et nonnullos alios qui fidem Deo servantes usque ad mortem propter justitiam regni Anglorum, quod juste susceperant ad tuendum contra alienigenas et etiam contra regem qui injuste detinuerat illos, ut dictum est in editione facta de bello Lawensi, de manu viri sancti Roberti Grostehte, Lincolnensis episcopi, in remissionem peccatorum suorum.*' *Chronica de Mailros*, p. 200. With this should be compared lines 212-242, 273-284, 315-354, 390-392 of the Song, and also the following expressions: '*Nec cedit iniurijs nec furori regis*,' l. 78; '*Set ut dei filii fidem teneamus*,' l. 206; '*Huic malo studuit comes obuiare*,' l. 311 (alluding to the 'alienigenae').

The case may therefore be summed up as follows : in all likelihood both the Office for Simon de Montfort and the Song of Lewes were written by a Franciscan Friar, and the former was probably and the latter was very possibly known to the writer of the Melrose Chronicle. Further, the narrative of the battles of Lewes and Evesham given by the Melrose Chronicler is exceptionally full, and many of the details are peculiar to it, the information upon which it is founded is excellent, and almost certainly firsthand. Who was his informant? It was evidently some one who had known and venerated Earl Simon, and who was acquainted with the sentiments of the Franciscans. May we conjecture that he was himself a Franciscan, and one and the same with the author both of the Office and the Song? If so we may suppose that when he perceived that the cause which he had supported was hopelessly ruined, he took refuge in Scotland, and there not only supplied the Chronicler of Melrose with the materials for his excellent narrative of the Barons' War, but also imparted to him a knowledge both of the Song and the Office, to neither of which is there, I believe, even a possible reference in any other Chronicle¹.

Before leaving this part of our subject, it may be useful to point out briefly what literary allusions are contained in the Song, and what are the author's most probable authorities for his political theory. The first thing which strikes one on a careful examination is the very strong tincture of biblical phraseology. It is not so much that he deliberately quotes from the Bible as that he models his style on it; none the less the

¹ There is yet one more slight piece of evidence: in the account of the battle of Lewes in the Melrose Chronicle, p. 195, the following words occur: 'Et sciendum quod nemo sani capitis debet censere neque appellare Symonem nomine proditoris. Non enim fuit proditor, set Dei ecclesie in Anglia devotissimus cultor et fidelissimus protector, regnique Anglorum scutum et defensor, alienigenarum inimicus et expulsor.' This passage gives the very accusation against which the writer of the Song most vehemently protested, and attributes to the earl the very qualities on which most stress is laid in the Song. See lines 79-82, 371-375, the passages referred to in the previous note and the extract from the hymn given on pp. xxi, xxii. Add to this also our writer's hatred for Edward (417-484), and the chronicler's complaint that whilst that king lived Earl Simon could not receive the veneration which he deserved (p. 212).

number of actual quotations is very considerable. The Psalms are most frequently referred to, and after them Proverbs and Ecclesiasticus. S. Paul is once quoted by name, and there are several clear allusions to the epistles. In other literature the writer was probably acquainted with Isidore¹, but he never refers to any of the fathers by name, and it is hard to say what was his range of knowledge in this respect; twice, however, he certainly makes use of some commentary on Deuteronomy². There is a possible allusion to the *Liber de Bestiis* attributed to Hugh of S. Victor, in the language used in the comparison of Edward to a leopard³; and in the same part of the poem come two allusions to popular romances of the time, one to an *Alexandreis*, perhaps to that of Walter de Castellio⁴, and possibly the other to a *Morte Arthur* in the reference to the Wheel of Fortune⁵.

As to the authorities used in the development of the political theory of the Song, it is not easy to speak definitely. Bracton's theory of kingship, as contained in the *De Legibus*, supplies the closest parallel; and if, as is probable, both our writer and Bracton had studied at Oxford, we may fairly assume that this theory is the one which was taught in the Schools of Oxford, probably enough by Grosseteste and Adam Marsh. The political theory given here is in its broad features the same as that of almost all mediaeval writers on the subject; but perhaps the *Policraticus* is the most likely basis of the theory in the Song. This work may have been known at first hand, or through the medium of Helinandus, with whose writings Roger of Waltham and John Walleys, both of them Oxford students, were acquainted; the latter, at all events, also used the *Policraticus* in the original.

The similarity between the theory of the Song, and that of Bracton, suggests that our author may have made a special study of Law, and this is perhaps borne out by one passage in which he seems to show some knowledge of technical legal phraseology⁶; the Institutes are once quoted, but the maxim

¹ Cf. notes on ll. 171-2, and on l. 697.

² Cf. ll. 420-2, 433.

³ Cf. l. 426.

⁴ Cf. ll. 171-2, and 874.

⁵ Cf. l. 425.

⁶ Cf. ll. 529-30.

referred to, '*quod principi placuit legis habet vigorem*,' occurs with such frequency in a number of writers that it does not afford the slightest evidence of first-hand acquaintance with the Roman civil law.

§ 3. ANALYSIS AND SUBJECT-MATTER.

The whole Song contains 968 lines, which are divided into two equal parts; the first half consisting of a Song of Triumph for the Victory and the Praise of Earl Simon, the latter setting forth and defending the objects and aims of the barons, and expounding the true theory of kingship. To give a descriptive title to the Song we might call it:

A justification of Simon de Montfort and his cause, together with a refutation of the claims advanced on behalf of the king.

I. The poem opens with a thanksgiving to God for the victory (1-12). The Lord has done marvellous things, and by the victory with which He has crowned the soldiers of truth, the wrongs which His Church had suffered are avenged (13-64). Simon and his sons fought valiantly for the English, like a new Mattathias, he has not yielded to the wrong-doing nor to the fury of the king (65-78). Men call him a deceiver, but his deeds prove him true. It may be claimed that his opponents showed equal constancy and courage; but, as a matter of fact, whilst the king had with him the flower of the knighthood and tried warriors of the realm, the earl's army was chiefly made up of novices in war, and many of those on whom he had relied deserted him. Nevertheless he and his faithful few stood firm, and, as in the battle of Gideon, the few conquer the many (79-126). What his opponents showed was not constancy and courage, but pride and cruelty. 'Pride goeth before destruction,' and, like Haman, they are put to confusion. Their conduct, moreover, was foul, and unworthy of true knights; so that they did not deserve to be victorious, since those who wish to conquer in battle must first conquer their own vices (127-184).

Earl Simon's equity was shown in his readiness to abide by the decision of the best and wisest men. By his fidelity he gave

a bright example to those who lightly reject what they have sworn. He offered fair terms to the king through the Bishop of Chichester, but they were rejected with disdain. In the evening his devotion was derided, but the morrow brought him victory, and his faith and fidelity became the security of the peace of all England (185-284).

England should take warning against foreigners, who seek only profit for themselves and their friends. Escheats and wardships ought to be the reward of the king's native subjects, who will do him good service, and will not turn away the heart of the prince from his people. The evil has grown beyond all bearing, but the Earl has manfully contended with it (285-324). He did not seek power or profit for himself or for his friends, but desired the common welfare of the people; in their behalf he readily encountered death, spurning all loss, and God has therefore rewarded him with victory (325-378). Blessed be the Lord God of Vengeance, Who has crushed the foolish by the valour of the faithful; and to Christ be all the glory given. Through the battle of Lewes the freedom of the English is established (379-416).

The writer then turns to discuss Edward's character. He is like a lion for his pride and fierceness, a pard for his inconstancy. He would fain be above all Law, forgetting that he cannot reign who does not keep the Law (417-484).

This brings him to what he well remarks is the root of the whole dispute—the King's claim to be above the Law—and with the discussion of this question the remainder of the poem is in fact concerned.

II. The King and his party plead that he would be no king unless he could do what he wished, and they deny that the magnates have any claim to interfere in the appointment of Sheriffs, Wardens of Castles, Ministers, or Councillors. 'The command of the Prince has the force of Law.' The King's rights are as large as those of an Earl, who does what he will with his own, without the King interfering, since it is no concern of the king if any of his subjects injure themselves. The Barons are intriguing to enslave the King and make him of less power than those who were kings before him. This is the king's pleading. (485-526.)

The Barons reply that they have no designs on the royal honour ; but evil councillors are as much the King's enemies as open foes in war ; in both cases alike the Barons are bound to prevent the kingdom from suffering harm. Their endeavours to temper oppressive laws ought to meet with the King's approval (527-626).

The true theory of kingship is that God alone is King in truth. He needs no counsel, and cannot err ; but those whom He allows to rule under Him are liable to error, and cannot stand by themselves. Perhaps the King will retort that nevertheless the choice of these councillors belongs to him alone ; but the constraining of the King in this matter does not take away liberty ; so even the angels are constrained that they be not apostate. The incapacity to sin is not impotence, but the highest power and the great glory of God. The guardianship which preserves those who are liable to fall from falling enables them to live freely and is not slavery. Whoever is truly king is truly free, if he rule himself and his kingdom rightly (627-700).

The King is God's servant, and if he denies the service which he owes to God, his people do not owe him obedience. The people is not his but God's, and he must find his reward in seeking his people's good. If he does well he ought to be honoured, if badly to be corrected. A prince who indeed excels his people in truth, understanding, and knowledge will shine through the hearts of his people with light (701-746). In Moses, Samuel, and David we have examples of princes who were faithful both to God and to their subjects (747-756).

The King's true councillors are his own subjects, whom a wise prince will never reject ; but an unwise prince may be easily deceived in his choice, and therefore the community is entitled to a voice in the matter. The royal councillors must have the will, knowledge, and power to be of service, be well acquainted with the customs of the country and in sympathy with their fellow-subjects. If they are not the best and most approved men who can be found, the state will suffer shipwreck (757-815). Such men will be able to check those whose conduct is likely to harm the state. For true liberty is limited by the bounds of right ; and, if these are exceeded, it is not liberty but error. It is not

lawful for every man to do what he will ; he must have a lord to correct and guide him (816-846).

It is Law which rules the dignity of the King. Law may be compared to a light or to a fire, which shines, burns, and glows. If kings do not walk by this light they will err. It is commonly said, 'As the King wills, the Law goes' ; but in reality it is the Law which stands, and the King who falls. Law is made up of truth, which gives light ; charity, which gives warmth ; and the zeal of salvation, which burns. If truth, charity, and zeal are on the King's side, let whatever pleases him be done ; if not, he is resisting the Law, and will bring confusion on his people (847-892). The King must consider not his own interest, but that of the community ; it is the glory of a prince to live for others, and he has no knowledge of kingship who lives for his own interest alone. The King can do nothing without aids from his subjects, and he will not therefore fail to ask advice, even though he himself has the best knowledge of what must be done (893-950).

We have now made it clear that it is the duty of a King to rule with the help of his magnates, keeping his native-born subjects in their rank and avoiding foreigners or favourites. If he degrade his own subjects, he will ask in vain for their obedience, and they would be mad if they gave it (951-968).

The Song therefore clearly sets forth the chief points of the constitutional programme, viz. :

(1) The foreign councillors of the King are to be dismissed, and replaced by native subjects. See note on l. 285.

(2) Escheats and wardships are not to be given to foreigners. See note on l. 297, *Petition of the Barons*, §§ 1-3, 6, 12. Provisions of Oxford, § 15.

(3) A Justiciar, Chancellor, and Treasurer, together with other ministers, are to be appointed, and they are to be responsible to the Common Council of the Realm. See notes on lines 493 and 495. Provisions of Oxford, §§ 10-13.

(4) Sheriffs are to be appointed by a like authority, and justice is to be done without extortion or corruption. See notes on lines 493 and 569. *Petition of the Barons*, §§ 16-21. Provisions of Oxford, § 14.

(5) The royal castles are to be entrusted to Englishmen under the authority of the council. See note on line 495. Petition of the Barons, §§ 4, 5, 15. Provisions of Oxford, §§ 5, 19.

(6) The King is not to act without taking the advice of his barons and the commonalty, to whom he will come to ask for aids. See lines 587-602, 921-930, 951-4. This may be taken as covering the demand for regular Parliaments: cf. Provisions, § 18. It is also the only notice of fiscal matters contained in the Song. The omission to notice fiscal difficulties is perhaps the only one of importance; other matters, to which there is no reference in the Song, but which appear in the Petition and Provisions, are rather of temporary interest only, whilst all the fundamental principles of the constitutional programme are touched on with more or less fulness.

§ 4. TRUSTWORTHINESS AND VALUE OF THE SONG.

In considering the amount of trust which is to be reposed in the statements of the Song, it is necessary to bear in mind that it has no pretensions to being an impartial statement of the case on either side, but may fairly be described as a party pamphlet written in a time of political excitement by an avowed partisan.

This purely one-sided view is most displayed in that earlier portion of the Song which is rather concerned with criticism of opponents than with the development of a constructive policy. So the royalist party is charged with sacrilege and plundering¹, but no mention is made of like misconduct on the other side, as shown in the plundering of the Jews in London and the sacrilege committed in Rochester Cathedral by the Earl's followers under his own eyes². The royalists are accused of perjury³, but no palliation is offered for the disregard of the Mise of Amiens by the barons, whose conduct in this matter, if not altogether without justification, was certainly not beyond reproach. The writer dwells with less impropriety on the marked contrast in the conduct of the two armies before Lewes⁴, yet even in this he shows his partiality, and the contrast is perhaps somewhat

¹ Cf. ll. 37-62.

² See note on l. 54.

³ Cf. ll. 207-211, 221.

⁴ Cf. ll. 152-184.

exaggerated. On a par with this are the assumptions that the Earl's followers were 'the soldiers of truth'¹, and that the victory was due to divine assistance²; the latter claim leads to a singular depreciation of Earl Simon's military capacity, and a declaration that neither the time nor place of conflict favoured the conquerors³; when as a matter of fact it was in making sure of these advantages for his own side that Leicester's strategy was most signally displayed. The writer's partisanship is much less marked in the latter portion of the Song, where he is engaged in the refutation of the claims advanced on behalf of the King. The arguments on behalf of his own side are given with clearness and force, but at the same time with temperance and moderation; all designs against the King and his honour are expressly disclaimed, and there is no evidence of any wish to make an undue use of the recent victory. On the other hand, the King's case is fairly, if briefly, stated; the arguments by which it is supported are not of course the strongest which might have been advanced, but at the same time there are some traces of an honest attempt to give the royalist case as it had been put forth by the King himself, or by others on his behalf⁴. The writer's treatment of this part of his subject strikes one much more favourably than do his notices of either the incidents or the actors in the struggle.

As already stated, the writer was an enthusiastic admirer of Earl Simon, and quite possibly was attached to his household⁵. It is therefore but natural to find that the Earl is spoken of in a strain of exaggerated eulogy, as the stalwart and unflinching champion of truth, who in complete purity of motive, without a thought of personal advantage, without any dreams of ambition, gladly exposed himself to death in the endeavour to secure the peace and reformation of the realm⁶. There were many noble traits in Simon's character which would sufficiently ex-

¹ Cf. l. 32.

² Cf. ll. 123-126, 175-6, 283-4, 358-9, 383-412.

³ Cf. ll. 351-357. See further in note on l. 351.

⁴ See quotations given in the notes on lines 505, 514, and 536, and also the quotation from the Burton Annals in note to line 285.

⁵ See above on p. xviii.

⁶ Cf. ll. 65-69, 75-80, 185-242, 261-284.

plain such language in the mouth of one who was his faithful follower and perhaps his intimate friend ; but he was not so free from faults that a strictly impartial writer would have ventured on such high commendation¹. This eulogy of the Earl becomes almost ludicrous when it is contrasted with the bitterness of all the allusions to Edward, who, brave as the lion though he might be was as treacherous as the pard, full of guile and deceit, violent in speech and action, anxious to place himself above the law, eager for power, and impatient of all restraint². Such language seems to us peculiarly strange, when applied to one who was as ~~king~~ conspicuous for his reverence for law and his faithful observance of his motto 'Pactum serva.' But no doubt Edward had up to this time displayed more of the strong and masterful spirit which was always so prominent a feature in his character, than of that restraint and wisdom which could only come with his riper years. As to the charge of treachery, we must remember that it was made in heat, and that his conduct on several occasions had been such as to give some colour to the accusation³, even though in fact he was probably guilty of nothing worse than somewhat sharp practice. On the other hand, the Song bears indirect but strong evidence in Edward's favour, by showing the impression which he had already made on his contemporaries ; for it is clearly Edward, and not his father, who is regarded as the true head of the royalist party. The energy and vigour which Edward had displayed in that capacity showed that he was an opponent to be feared, and our writer's violent language is not unnatural when we remember that it was applied to one who was now the most strenuous opponent of the cause which he had once supported, and who in the leadership of his new party had developed an ability and stubbornness of disposition, which came perhaps as somewhat of an unwelcome surprise to his former friends.

It is somewhat remarkable that Simon and Edward are the only two persons who are mentioned by name, except for the solitary reference to Stephen Berkstead, Bishop of Chichester, a baronial prelate who is spoken of with respect⁴. Henry is

¹ Cf. notes on ll. 80, 311, and 321.

² Cf. ll. 62, 249-252, 417-484.

³ See note on l. 437.

⁴ Cf. ll. 193-4.

néver spoken of by name, but only as 'rex,' and the references are for the most part to the office and not to its holder¹. There is nothing which can be taken as a personal attack on the King, though the royal administration is freely criticised; hostility to Henry is implicit rather than explicit, but at the same time it is definite. The young Montforts are occasionally alluded to², and once at least with praise. A single reference is made to Richard of Cornwall and his son, Henry of Almaine, who are there linked with King Henry and Edward as 'transgressores legum³'.

The absence of any allusion to Gilbert de Clare is perhaps strange, but it would be too much to conclude that the Song was written subsequently to his open breach with Earl Simon. Walter de Cantilupe and other prominent leaders of the party are treated with like neglect. Had Gloucester's defection been previous to the time of writing, his conduct would probably have secured him open condemnation.

The occasional allusions to the events of the war⁴ are usually made from a party point of view, and the writer's opponents as a rule appear in the worst light. There does not, however, appear to be any actual perversion of fact; the accounts of the negotiations before Lewes, and of the spoliation of Battle and Robertsbridge by the royalists, contain a few details which do not occur elsewhere, but nowhere is there any statement of importance for which some corroboration cannot be found in other authorities.

Our writer is therefore by no means free from bias. But is this bias of such a character as materially to detract from the trustworthiness and value of the Song? There is no reason to regard it as doing so, if only the true character of the Song is kept in mind. It is not a history, nor an argument of the

¹ The definite allusions to Henry are as a rule unimportant: cf. ll. 243 and 387.

² Cf. ll. 66, 77, 231.

³ Cf. l. 387.

⁴ To incidents at Lewes, ll. 13-46, 151-3, 351-359; to siege of Northampton, 47 and 465; to plunder of Battle and Robertsbridge, 55-62; to negotiations before the battle, 193-206, 243-260; to Edward's success against the Castles, 423; to his action at Gloucester, 437. See further in notes.

case upon its merits, but a political pamphlet written in justification of a particular cause.

The writer may have been well acquainted with Earl Simon, and even if he were not, he was certainly familiar with the principles and policy advocated by the constitutional and popular party. There is therefore every reason to believe that we have in the Song a trustworthy, perhaps even an authoritative, exposition of that party's programme, and it is its very character as a party pamphlet which constitutes the true value of the Song.

§ 5. METRE AND STYLE.

The Song is written in a trochaic rhythm of thirteen syllables, the lines rhyming in couplets both at the end and in the middle at the seventh syllable. Despite the use of these medial rhymes there is no reason to consider that the lines should be divided¹; the metre itself is a common one, and the employment of the medial rhyme is not unusual. Distinct traces of this system of rhyming may be found in two political songs of this date, which are written in this metre, and to which reference has already been made. These are the Songs Upon the Division among the Barons², and The Early Years of Edward I³, both of which are written in stanzas of four lines, the same rhyme being kept throughout the stanza, and as a rule without any rhyme at the medial pause. Clear exceptions may, however, be detected in the sixth stanza of the first poem⁴, and in the last three of the second⁵, where the medial rhyme is plainly intentional.

¹ As Mr. Ellis suggests in *Early English Pronunciation*, Part II, note on p. 420.

² In Wright's *Political Songs*, p. 121; a more accurate text is given in Halliwell's *Rishanger*, p. 18.

³ Wright, p. 133.

⁴ O comes glouernie, comple quod cepisti;
Nisi claudas congrue, multos decepisti.
Age nunc viriliter sicut promisisti,
Causam fone fortiter cujus fons fuisti.

⁵ Ecce pravi pueri pauperes praedantur;
Ecce donis divites dolose ditantur;
Omnes pene proceres mala machinantur;
Insani satellites livore laetantur.

Similarly in the Song of Lewes we have traces of a tendency to an arrangement in stanzas, the same rhyme is frequently maintained for four lines together, sometimes at the end only¹, sometimes at the middle only², sometimes at both³. Indeed a single rhyme is often kept throughout a considerable number of successive lines⁴. To give some other peculiarities in the rhymes; there are several instances of lines rhyming in groups of four⁵; one or two passages where the same rhyme is found both at the end and in the middle⁶; double rhymes occur in several couplets, and in one instance every word rhymes with the corresponding word in the previous line⁷. The scansion is generally simple, but the following peculiarities may be observed, *cui*, *huic*, *persüasis* (196), *Saül*, *Moyses*; *hijs*, however, is of course a monosyllable.

Despite such complications of the metre the lines flow smoothly and even with elegance. Occasionally the writer has not been able to avoid some obscurity of expression, but as a rule his Latin is correct and his meaning clear. He displays a most complete mastery over his language, and seems to delight in the contrivance of fresh difficulties to be triumphed over. From beginning to end his constant aim is to be as alliterative as possible⁸; perhaps we may see in this the influence of the cur-

The medial rhyme is equally marked in the two following stanzas. Perhaps the first line should be:

Ecce pravi pauperes pueri praedantur.

¹ e. g. ll. 65-8, 93-6, 163-6, 207-10, 211-14.

² e. g. ll. 147-50, 155-8, 201-4, 221-4.

³ e. g. ll. 153-6, 159-62, 189-92, 255-8, 263-6. Instances of these are equally common throughout the poem. It will be noticed that these repeated rhymes come in clusters.

⁴ Cf. especially ll. 563-8, 573-586, and 717-738; also 329-36, 617-22, 647-52, 885-90.

⁵ Cf. ll. 575-8, 593-6, 603-6, 867-70, 899-902; and see also the curious arrangement of the rhymes in 547-554, and 647-652.

⁶ Cf. lines 569-583.

⁷ *Potestatem liberam nolunt principantes,
Seruitutem miseram nolunt dominantes.* (669, 670.)

Cf. also ll. 25-9, 229-230, 313-4.

⁸ The first twelve lines of the Song will supply a sufficiently good example. At a moderate estimate above one fourth of the whole number of lines in the poem are alliterative. A favourite form is for all the

rent form of the national poetry on a native-born Englishman. Plays on words, punning allusions¹, and verbal antitheses² are of frequent occurrence. It is not too much to say that the writer is always seeking to give some curious twist or turn. The style is an artificial and perhaps a false one, but it is that which was popular at the time, when the successful use of a complicated metre and the constant contrivance of leonine and retrograde hexameters was regarded as the summit of poetical ingenuity and skill.

As a piece of forcible reasoning under the trammels of a metrical form the Song is indeed a remarkable production. Except for the vein of mysticism which pervades a considerable passage towards the end of the poem, the argument is well maintained, straightforward, and to the point. That the writer consciously modelled his style on the Psalms³ as he knew them

words in the first section of the line to commence with one letter, and all in the latter section with another, e. g. l. 35 :

Fortes fecit fugere uirosque uirtutis.

Cf. ll. 200, 267. Another device is for the alliteration to be in the first words of each section; cf. ll. 79, 100; or the last, e. g. ll. 237, 285, 403.

¹ Cf. such lines as :

Quos uolebant *perdere* qui nunc sunt *dispersi*. (l. 6.)

In *claustro* se *claudere*. (l. 36.)

And more elaborate allusions such as :

Victoris sollempnia sancteque *corone*
Reddunt testimonia super hoc agone;
Cum dictos ecclesia sanctos honorauit,
Milites uictoria ueros *coronauit*. (29-32.)

and :

Namque monasterium, quod *bellum* uocatur,
Turba seniuencium, que nunc *conturbatur*,
Inmisericorditer bonis spoliauit,
Atque sibi taliter *bellum* preparauit. (55-58.)

Cf. also ll. 155, 633-4, 652, 738, 799; and the constant plays on 'rex' and 'regere,' 'lex' and 'legere': cf. 445-54, 693-7. To these we may add the punning reference to the meaning of Simon in l. 217, and the comparison of Edward to the leopard in his coat of arms, ll. 417-19.

² Cf. ll. 18 and 27.

³ Cf. especially the opening lines and lines 379-416. See also p. xxiii above.

in the Vulgate version is very evident, and he has succeeded in retaining a considerable portion of the elevated diction and poetic spirit of his model. In the Praise of Earl Simon and in the Triumphal Paean (379-416), which is the true end of the first part of the poem, the language rises to real eloquence, and indeed the whole of the earlier half of the Song is a veritable Psalm of Thanksgiving for the victory vouchsafed by Heaven to its true champions.

CARMEN DE BELLO LEWENSI.

CALAMUS uelociter scribe sic scribentis [f.107 r°1.

Lingua, laudabiliter te benedicentis,
Dei patris dextera, domine uirtutum,
Qui das tuis prospera quando uis ad nutum;
In te iam confidere discant uniuersi, 5
Quos uolebant perdere qui nunc sunt dispersi.
Quorum caput capitur, membra captiuantur;
Gens elata labitur, fideles letantur.
Iam respirat anglia sperans libertatem;
Cui dei gracia det prosperitatem! 10
Comparati canibus angli uiluerunt,
Set nunc uictis hostibus caput extulerunt.

Gracie millesimo ducentesimoque
Anno sexagesimo quarto, quarta quoque
Feria pancracij post sollempnitatem, 15
Valde grauis prelij tulit tempestatem
Anglorum turbacio, castroque lewensi;
Nam furori racio, uita cessit ensi.
Pridie qui maij idus confluxerunt,
Horrendi discidij bellum commiserunt; 20
Quod fuit susexie factum comitatu,
Fuit et Cicestrie in episcopatu.
Gladius inualuit, multi ceciderunt,
Veritas preualuit, falsique fugerunt.
Nam periuris restitit dominus uirtutum, 25
Atque puris prestitit ueritatis scutum;

Hos uastauit gladius foris, intus pauor; [f. 107 rº 2.
 Confortauit plenius istos celi fauor.
 Victoris sollempnia sancteque corone
 Reddunt testimonia super hoc agone; 30
 Cum dictos ecclesia sanctos honorauit,
 Milites uictoria ueros coronauit.
 Dei sapientia, regens totum mundum,
 Fecit mirabilia bellumque iocundum;
 Fortes fecit fugere, uirosque uirtutis 35
 In claustris se claudere locis quoque tutis.
 Non armis set gracia christianitatis,
 Idest in ecclesia, excommunicatis
 Vnicum refugium restabat; relictis
 Equis, hoc consilium occurrebat uictis. 40
 Et quam non timuerant prius prophanare,
 Quam more debuerant matris honorare,
 Ad ipsam refugiunt licet minus digni,
 Amplexus¹ se muniunt salutaris ligni.
 Quos matrem contempnere prospera fecerunt, 45
 Vlnera cognoscere matrem compulerunt.
 Apud northamptoniam dolo prosperati
 Spreuerunt ecclesiam, infideles nati
 Sancte matris uiscera ferro turbauerunt,
 Prosperis² non prospera bella meruerunt. 50
 Mater tunc iniuriam tulit pacienter,
 Quasi per incuriam, set nunc affluenter
 Punit hanc & alias quas post addiderunt,
 Nam multas ecclesias insani leserunt;
 Namque monasterium, quod bellum uocatur, 55
 Turba seuicium, que nunc conturbatur,
 Inmisericorditer bonis spoliauit,
 Atque sibi taliter bellum preparauit.

¹ 44. Amplexu.² 50. Prosperi.

Monachi cýstercij de ponte roberti [f. 107 vº 1.
 A furore gladij *non* fuissent certi, 60
 Si *quingentas* principi marcas *non* dedissent,
 Quos edwardus accipi iussit, uel perissent.
 Hijs atque similibus factis meruerunt,
 Quod cesserunt hostibus & succubuerunt.
 Benedicat dominus .S. de monte forti! 65
 Suis nichilominus natis & cohorti!
 Qui se magnanimiter exponentes morti,
 Pugnaverunt fortiter, condolentes sorti
 Anglicorum flebili, qui subpeditati
 Modo uix narrabili, peneque priuati 70
 Cunctis libertatibus, immo sua uita,
 Sub duris principibus languerunt, ita
 Vt israelitica plebs sub pharaone,
 Gemens sub tirannica deuastacione.
 Set hanc uidens populi deus agoniam 75
 Dat in fine seculi nouum mathathiam,
 Qui cum suis filijs zelans zelum legis
 Nec cedit iniurijs nec furori regis.
 Seductorem nominant .S. atque fallacem;
 Facta set examinant probantque ueracem. 80
 Dolosi deficiunt in necessitate;
 Qui mortem non fugiunt, sunt in ueritate.
 Set nunc dicit emulus & insidiator,
 Cuius nequam oculus pacis perturbator:
 Si laudas constanciam si fidelitatem 85
 Que mortis instanciam uel penalitatem
 Non fugit, equaliter dicentur constantes
 Qui concurrunt pariter inuicem pugnantes,
 Pariter discrimini semet exponentes,
 Duroque cognomini se subicientes. 90
 Set in nostro prelio cui nunc instamus, [f. 107 vº 2.

Qualis sit discrecio rei uideamus.

Comes paucos *habuit armorum expertos*;
 Pars regis intumuit¹, bellatores certos
 & maiores anglie *habens congregatos*, 95
Floremque milicie regni nominatos.
Qui londiniensibus armis comparati,
 Essent multis milibus trecenti *prelati*;
 Vnde *contemptibiles* illis extiterunt,
 & abhominabiles *expertis* fuerunt. 10
 Comitibus milicia plurima tenella,
 In armis nouicia, *parum* nouit bella.
 Nunc accinctus gladio tener adolescens
 Mane stat in *prelio* armis assuescens;
Quid mirum si timeat tyro tam nouellus, 105
 Et si *lupum* caueat impotens agnellus!
 Sic *ergo* milicia *sunt* inferiores
Qui pugnat² *pro* anglia, *sunt* et pauciores
 Multo uiris fortibus, de sua uirtute
 Satis gloriantibus, ut putarent tute, 110
 Et sine *periculo*, velud absorbere
 Quotquot adminiculo comiti fuere.
 Nam et *quos* adduxerat comes ad certamen,
 De quibus sperauerat *non paruum* iuuamen,
 Plurimi *perterriti* mox se subtraxerunt, 115
 Et velut attoniti fuge se dederunt;
 Et de *tribus* partibus *tercia* recessit;
 Comes cum fidelibus paucis *nunquam* cessit.
 Gedeonis *prelium* *nostro* comparemus,
 In quibus fidelium uincere uidemus 120
 Paucos multos numero *fidem non habentes*,
 Similes lucifero de se confidentes.

¹ 94. In MS. 'intumuit' is written above in the same hand.

² 108. pugnant.

Si darem uictoriam, dicit *deus*, multis, [f. 108 r^o l.

Stulti *michi* gloriam non darent, set stultis.

Sic si *deus* fortibus uincere dedisset, 125

Wl^gus laudem talibus non deo dedisset.

Ex hijs potest elici quod non timuerunt

Deum uiri uellici¹, unde nil fecerunt

Quod suam constanciam uel fidelitatem

Probet, set superbiam & crudelitatem; 130

Volentes confundere partem quam spreuerunt,

Exeuntes temere cito corruerunt.

Cordis exaltacio preparat ruinam,

Et humiliacio meretur diuinam

Dari sibi graci^am; nam qui non confidit 135

De deo, superbiam *deus* hanc elidit.

Aman introducimus atque mardocheum;

Hunc superbum legimus, hunc uerum iudeum;

Lignum, quod parauerat aman mardocheo

Mane, miser tollerat suspensus in eo. 140

Regine conuiuuium aman excecavit,

Quod ut priuilegium magnum reputauit;

Set spes uana² uertitur in confusionem,

Cum post mensam trahitur ad supensionem.

Sic extrema gaudiij³ luctus occupauit, 145

Cum finem conuiuuij morti sociauit.

Longe dissimiliter accidit iudeo,

Honorat sublimiter quem rex, date⁴ deo.

Golias prosternitur proiectu lapilli;

Quem *deus* persequitur, nichil prodest illi. 150

Ad predictas uarias adde rationes,

¹ 128. bellici.

² 143. 'uana' is omitted in the MS., but is written by the scribe in the margin.

³ 145. The MS. has 'gladij,' the correction is given by the scribe in the margin.

⁴ 148. dante. James 'datus.'

Quod tot fornicarias fetidi lenones
 Ad se conuocauerant, usque septingentas,
 Quas scire debuerant esse fraudulentas
 Sathane discipulas ad decipiendas [f. 108 rº 2. 155
 Animas, & faculas ad has incendendas,
 Dolosas nouaculas ad crines samsonis
 Radendos, et maculas turpis actionis,
 Inferentes miseris *qui non sunt* cordati,
 Nec diuini muneris *gracia* firmati, 160
 Carnis desiderijs animales dati,
 Cuius immundicijs brutis comparati
 Esse ne uictoria digni debuerunt,
Qui carnis luxuria feda sorduerunt;
 Factis lupanaribus robur minuerunt, 165
 Vnde militaribus indigni fuerunt.
 Accingatur gladio super femur miles,
 Absit disolutio, absint actus uiles;
 Corpus noui militis solet balneari,
 Vt a factis uetitis discat emundari. 170
Qui de nouo duxerant uxores legales,
 Domini non fuerant apti bello tales;
 Gedeonis prelio teste, multo minus
 Quos luxus incendio leserat caminus.
 Igitur adulteros cur deus iuaret, 175
 Et non magis pueros mundos roboraret?
 Mundentur qui cupiunt uincere pugnando;
Qui culpas subiciunt sunt in triumphando;
 Primo uincant uicia, *qui* uolunt uictores
 Esse cum iusticia super peccatores. 180
 Si iustus ab impio quandoque uidetur
 Victus, e contrario uictor reputetur;
 Nam nec iustus poterit uinci, nec iniquus
 Vincere, dum fuerit iuris inimicus.

Equitatem comitis sýmonis audite ! 185
 Cum pars regis capitis ipsius & uite
 Solam penam quereret, *nec redempcionem* [f. 108 vº 1.
 Capitis *admitteret, set abscissionem* ;
 Quo *confuso plurima plebs confunderetur,*
 & *pars regni maxima periclitaretur* ; 190
 Ruina *grauissima statim sequeretur,*
 Que mora *longissima non repareretur.*
 . S . diuina *gracia presul cýcestrensis,*
 Alta dans *suspiria pro malis immensis*
 Iam *tunc imminentibus sine fictione,* 195
Persuasis partibus deformacione ¹
 Pacis, hoc a comite responsum audiuit :
 ‘ Optimos eligite, *quorum fides uiuit,*
Qui decreta legerint, uel theologiam
Decenter docuerint sacramque sophiam, 200
 Et *qui sciant regere fidem christianam* ;
Quicquidque consulere per doctrinam sanam
Quicquidue discernere tales non timebunt,
Quod dicent, suscipere promptos nos habebunt ;
 Ita *quod periurij notam nesciamus,* 205
 Set ut dei filij *fidem teneamus.*
 Hinc *possunt perpendere facile iurantes,*
 Et *quod iurant spernere parum dubitantes,*
 Quamuis *iurent licita, cito recedentes,*
 Deoque *pollicita sana non reddentes,* 210
 Quanta cura *debeant suum iuramentum*
Seruare, cum uideant uirum nec tormentum
Necque mortem fugere propter iusiurandum,
Prestitum non temere, set ad reformandum
Statum qui deciderat anglicane gentis, 215

¹ 196. de formacione.

Quem fraus uiolauerat hostis inuidentis.
 En! symon obediens spernit dampna rerum,
 Penis se subiciens ne dimittat uerum,
 Cunctis palam predicans factis plus quam dictis, [f. 108 vº 2.
 Quod non est communicans ueritas cum fictis. 220
 Ve periuris miseris, qui non timent deum,
 Spe terreni muneris abnegantes eum,
 Vel timore carceris, siue pene leuis;
 Nouus dux itineris docet ferre queuis,
 Que mundus intulerit propter ueritatem, 225
 Que perfectam poterit dare libertatem.
 Nam comes prestiterat prius iuramentum,
 Quod quicquid prouiderat zelus sapientum
 Ad honoris regij reformationem,
 Et erroris deuij declinationem, 230
 Partibus oxonie firmiter seruaret,
 Huiusque sentencie legem non mutaret;
 Sciens tam canonicas constitutiones
 Atque tam catholicas ordinationes
 Ad regni pacificam conseruacionem, 235
 Propter quas non modicam persecucionem
 Prius sustinuerat, non esse sperandas¹,
 Et, quia iurauerat, fortiter tenendas,
 Nisi perfectissimi fidei doctores
 Dicerent, quod eximi possent iuratores, 240
 Qui tale prestiterant prius iusiurandum²,
 Et id quod iurauerant non esse curandum.
 Quod cum dictus pontifex regi recitaret,
 Atque fraudis artifex forsitan astaret,
 Vox in altum tollitur turbe tumidorum, 245
 En iam miles subditur dictis clericorum!
 Viluit milicia clericis subiecta!

¹ 237. spernendas.² 241. MS. iusiurandum.

Sic *est* sapiencia comitis despecta ;
 Edwardusque dicitur ita respondisse,
 Pax illis precluditur nisi laqueis se 250
 Collis omnes alligent, & ad suspendendum [f. 109 r^o 1.
 Semet nobis obligent, uel ad detrahendum.
 Quid mirum si comitis cor tunc moueretur,
 Cum non nisi stipitis pena pareretur¹.
 Optulit quod debuit, set non est auditus ; 255
 Rex mensuram respuit, salutis oblitus.
 Set, ut rei docuit crastinus euentus,
 Modus, quem tunc noluit, post non est inuentus.
 Comitibus deuocio sero deridetur,
 Cuius cras congressio uictrix sencietur. 260
 Lapis hic ab hostibus diu reprobatus,
 Post est parietibus duobus aptatus.
 Anglie diuisio desolacionis
 Fuit in confinio ; set diuisionis
 Affuit presidio lapis angularis, 265
 Symonis religio sane singularis.
 Fides & fidelitas symonis solius
 Fit pacis integritas anglie totius ;
 Rebelles humiliat, leuat desperatos,
 Regnum reconsilians² reprimens elatos ; 270
 Quos quo modo reprimat ? certe non laudando³,
 Set rubrum ius exprimit dure configendo ;
 Ipsum nam configere ueritas coegit,
 Vel uerum deserere, set prudens elegit
 Magis⁴ dexteram suam ueritati, 275
 Viamque per asperam iunctam prohibitam,
 Per graue compendium tumidis ingratum,
 Optinere brauium uiolentis datum,

¹ 254. pareretur.³ 271. ludendo.² 270. reconsiliat.⁴ 275. Supply 'dare.'

Quam per subterfugium deo displicere,
 Praurorumque studium fuga promouere. 280
 Nam quidam studuerant anglorum delere
 Nomen, quos iam ceperant exosos habere;
 Contra quos opposuit deus medicinam, [f. 109 rº 2.
 Ipsorum cum noluit subitam ruinam.
 Hinc alienigenas discant aduocare 285
 Angli, si per aduenas nolunt¹ exulare.
 Nam qui suam gloriam uolunt ampliare,
 Suamque memoriam uellent semper stare,
 Sue gentis plurimos sibi sociare,
 Et mox inter maximos student collocare; 290
 Itaque confusio crescit incolarum,
 Crescit indignatio, crescit cor amarum,
 Cum se premi senciunt regni principales
 Ab hijs qui se faciunt sibi coequales,
 Que sua debuerunt esse subtrahentes, 295
 Quibus consueuerant crescere crescentes.
 Eschetis et gardijs suos honorare
 Debet rex, qui uarijs modis se iuuare
 Possunt, qui quo uiribus sunt ualenciores,
 Eo cunctis casibus sunt securiores. 300
 Set qui nil attulerant, si suis ditantur,
 Qui nullius fuerant, si magnificantur,
 Crescere cum ceperint semper scandunt tales
 Donec supplantauerint uiros naturales;
 Principis auertere cor a suis student, 305
 Vt quos uolunt cadere gloria denudent.
 Et quis posset talia ferre pacienter?
 Ergo discat anglia cauere prudenter,
 Ne talis perplexitas amplius contingat,
 Ne talis aduersitas anglicos inpingat. 310

¹ 286. uolunt.

Huic malo studuit comes obuiare,
 Quod nimis inualuit *quasi* magnum mare,
 Quod paruo conamine nequibat siccari,
 Set magno iuuamine dei transuadari.
 Veniant extranei cito recessuri, [f. 109 v^o 1. 315
 Quasi momentanei, set non permansuri.
 Vna iuuat aliam manuum duarum,
 Neutra tollens *graciã* uerius earum;
 Iuuet et non noceat locum retinendo
 Queque¹ suum, ualeat ita ueniendo 320
 Gallicus ad anglicum benefaciendo,
 Et non per *sophisticum* uultum seducendo;
 Nec alter alterius bona subtrahendo;
 Immo suum pocius honus sustinendo.
 Commodum si proprium comitem nouisset², 325
 Nec haberet alium zelum, nec quesisset
 Toto suo studio reformationi
 Regni, set intencio dominacioni
 Solam suam quereret, et *promocionem*
 Suorum proponeret, ad ditacionem 330
 Filiorum tenderet, et communitatis
 Salutem negligeret, ac duplicitatis
 Palli³ supponeret uirus falsitatis;
 Sic fidem relinqueret *christianitatis*,
 Et horrende subderet se penalitatis 335
 Legi, nec effugeret pondus tempestatis.
 Et quis potest credere quod se morti daret,
 Suos uellet perdere, ut sic exaltaret?
 Callide si⁴ palliant honorem uenantes,
 Et quod mortem fugiant semper meditantes; 340
 Nulli magis diligunt uitam temporalem,

¹ 320. Quisque.³ 333. Pallio.² 325. mouisset.⁴ 339. se.

Nulli magis eligunt statum non mortalem.
 Honores qui siciunt simulate tendunt,
 Caute sibi faciunt nomen quod intendunt;
 Non sic uenerabilis .S. de monteforti, 345
 Qui se christo similis dat pro multis morti;
 Ysaac non moritur cum sit promptus mori; [f. 109 v° 2.
 Veruex morti traditur, ysaac honori.
 Nec fraus nec fallacia comitem promouit,
 Set diuina gracia, que quos iuuat nouit. 350
 Horam si uocaueris locumque conflictus,
 Inueniere¹ poteris quod, ut esset uictus
 Pocius quam uinceret, illi conferebat;
 Set ut non succumberet deus providebat.
 Non de nocte subito surripit latenter; 355
 Inmo die reddito pugnat euidenter.
 Sic & locus hostibus fuit oportunus,
 Vt hinc constet omnibus esse dei munus,
 Quod cessit uictoria de se confidenti².
 Hinc discat milicia, que torneamenti 360
 Laudat excercitium, ut sic expedita
 Reddatur ad prelium, qualiter contrita
 Fuit hic pars forcium exercitatorum
 Armis imbecillium & inexpertorum.
 Vt confundet³ forcia promouet infirmos, 365
 Confortat⁴ debilia deus sternit firmos.
 Sic nemo confidere de se iam presumat,
 Set in deum ponere spem si sciat, sumat
 Arma cum constancia nichil dubitando,
 Cum sit pro iusticia deus, adiuuando. 370

¹ 352. Inuenire.

² 359. non fidenti, cf. l. 415. In this line the MS. has 'de se se,' but marked for elision.

³ 365. confundat.

⁴ 366. Confortet.

Sicque deum decuit comitem iuuare,
 Sine quo non potuit hostem superare;
 Cuius hostem dixerim? comitis solius?
 Vel anglorum sciuerim regnique tocius?
 Forsan et ecclesie, igitur & dei? 375
 Quod si sic, quid gracie conueniret ei?
 Graciam demeruit in se confidendo,
 Nec iuuari debuit deum non timendo.
 Cadit ergo gloria proprie uirtutis; [f. 110 rº 1.
 Et sit in memoria, qui dat destitutis 380
 Viribus auxilium, paucis contra multos,
 Virtute fidelium conterendo stultos,
 Benedictus dominus deus ulcionum,
 Qui in celis eminus sedet super thronum;
 Et uirtute propria colla superborum 385
 Calcat, subdens grandia pedibus minorum;
 Duos reges subdidit et heredes regum,
 Quos captiuos reddidit transgressores legum;
 Pompanque milicie cum magna sequela
 Dedit ignominie; nam barones tela, 390
 Que zelo iusticie pro regno sumpserunt,
 Filijs superbie communicauerunt;
 Vsque dum uictoria de celo dabatur
 Cum ingenti gloria que non sperabatur;
 Arcus namque forcium tunc est superatus, 395
 Cetus imbecillum robore firmatus;
 Et de celo diximus ne quis glorietur;
 Set christo quem credimus omnis honor detur!
 Christus enim imperat, uincit, regnat idem;
 Christus suos liberat quibus dedit fidem. 400
 Ne uictorum animus manus osculetur
 Suas, deum petimus quod illis prestetur;
 Et quod paulus suggerit ab ipsis seruetur,

Qui letatus fuerit, in deo letetur.
 Si quis nostrum gaudeat uane gloriatus, 405
 Dominus indulgeat & non sit iratus!
 Et cautos efficiat nostros in futurum;
 Ne factum deficiat, faciant se murum!
 Quod cepit perficiat vis omnipotentis,
 Regnumque reficiat anglicane gentis! 410
 Vt sit sibi gloria, suis pax electis, [f. 110 rº 2.
 Donec sint in patria se duce prouectis.
 Hec angli de prelio legite lewensi,
 Cuius patrocinio uiuitis defensi.
 Quia si uictoria iam uictis cessisset, 415
 Anglorum memoria uicta uiluisset,
 Cui comparabitur nobilis edwardus?
 Forte nominabitur recte leopardus.
 Si nomen diuidimus, leo fit & pardus;
 Leo, quia uidimus quod non fuit tardus 420
 Aggredi fortissima, nullius occursum
 Timens, audacissima uirtute discursum
 Inter castra faciens, et uelud ad uotum
 Vbi &¹ proficiens, ac si mundum totum
 Alexandro similis cito subiugaret, 425
 Si fortune mobilis rota semper staret;
 In qua summus protinus sciat se casurum,
 Qui regnat ut dominus parum regnaturum;
 Quod edwardo nobili liquet accidisce,
 Quem gradu non stabili constat cecidisce. 430
 Leo per superbiam, per ferocitatem,
 Est per inconstanciam & uarietatem
 Pardus, uerbum uarians & promissionem,
 Per placentem pallians se locutionem.
 Cum in arto fuerit quicquid uis promittit; 435

¹ 424. it.

Set mox ut euaserit, *promissum dimittit*.
 Testis sit glouernia, ubi, *quod iurauit*,
 Liber ab angustia statim reuocauit.
 Dolum seu fallaciam, quibus expeditur,
 Nominat prudenciam; uia, qua uenitur 440
 Quo uult, *quamuis deuia recta reputatur*;
 Nephas det¹ placencia fasque nominatur;
 Quicquid libet, licitum dicit, et a lege [f. 110 vº 1.
 Se putat explicitum, quasi maior rege.
 Nam rex omnis regitur legibus quas legit; 445
 Rex saul repellitur quia leges fregit;
 Et punitus legitur dauid mox ut egit
 Contra legem; igitur hinc sciat qui legit,
 Quod non potest regere qui non seruat legem:
 Nec hunc debent facere, ad quos spectat, regem. 450
 O eduarde! fieri uis rex sine lege;
 Vere forent miseri recti tali rege!
 Nam quid lege rectius qua cuncta reguntur?
 Et quid iure uerius quo res discernuntur?
 Si regnum desideras, leges uenerare: 455
 Vias dabit asperas leges impugnare,
 Asperas & inuias, que te non perducent;
 Leges si custodias, ut lucerna lucent.
 Ergo dolum caueas & abhomineris,
 Veritati studeas, falsum detesteris. 460
 Quamuis dolum floreat, fructus nequid ferre;
 Hoc te psalmus doceat; ad fideles terre,
 Dicit deus, oculi mei sunt, sedere
 Quos in fine seculi mecum nolo² uere.
 Dolum northamptonie, uide quid nunc ualet; 465
 Nec feruor fallacie uelut ignis calet.
 Si dolum uolueris igni comparare,

¹ 442. dat.² 464. uolo.

Paleas studueris igni tali dare,
 Que mox ut exarserint, desistunt ardere,
 Et cum uix inceperint, terminum tenere. 470
 Ita transit uanitas non habens radices;
 Radicata ueritas non mutat per uices.
 Ergo tibi libeat id solum quod licet,
 Et non tibi placeat quod uir duplex dicet.
 Princeps que sunt principe digna cogitabit; [f. 110 vº 2.
 Ergo legem suscipe, que te dignum dabit
 Multorum regimine, dignum principatu,
 Multorum iuuamine, multo comitatu.
 Et quare non diligis, quorum rex uis esse?
 Prodesse non eligis, set tantum preesse. 480
 Qui nullius gloriam nisi suam querit,
 Eius per superbiam, quicquid regit, perit.
 Ita totum perijt nuper quod regebas,
 Gloria preterijt, quam solam querebas.
 En! radicem tangimus perturbationis 485
 Regni, de quo scribimus, & dissencionis
 Parcium, que prelium dictum commiserunt;
 Ad diuersa studium suum conuerterunt.
 Rex cum suis uoluit ita liber esse,
 Et sic esse debuit, fuitque necesse, 490
 Aut esse desineret rex priuatus iure
 Regis, nisi faceret quicquid uellet; cure
 Non esse magnatibus regni, quos preferret
 Suis comitatibus, uel quibus conferret
 Castrorum custodiam, uel quem exhibere 495
 Populo iusticiam uellet; & habere
 Regni cancellarium, thesaurariumque
 Suum ad arbitrium uoluit quemcunque,
 Et consiliarios de quacunque gente,
 Et ministros uarios se precipiente; 500

Non intromittentibus se de *facis* regis
 Anglie baronibus, uim habente legis
 Principis imperio; & quod imperaret
 Suomet arbitrio singulos ligaret.
 Nam et comes quilibet sic est compos sui, 505
 Dans suorum quilibet quantum uult & cui,
 Castra, terras, redditus cui uult committit; [f. 111 rº 1.
 Et quamuis sit subditus, rex totum permittit.
 Quod, si benefecerit, prodest facienti,
 Si non, ipse uiderit; sibimet nocenti 510
 Rex non aduersabitur, cur condicionis
 Peioris efficitur princeps, si baronis,
 Militis, & liberi res ita tractantur?
 Quare regem fieri seruum machinantur,
 Qui suam minuere uolunt potestatem, 515
 Principis adimere suam dignitatem;
 Volunt in custodiam & subiectionem
 Regiam potenciam per sedicionem
 Captiuam retrudere, & exheredare
 Regem, ne tam ubere ualeat regnare 520
 Sicut reges hactenus qui se precesserunt,
 Qui suis nullatenus subiecti fuerunt,
 Set suas ad libitum res distribuerunt,
 Et ad suum placitum sua contulerunt.
 Hec est regis ratio, que uera uidetur, 525
 Et hec allegacio ius regni tuetur.
 Set nunc ad oppositum calamus uertatur.
 Baronum propositum dictis subiungatur;
 Et auditis partibus dicta conferantur,
 Atque certis finibus collata claudantur, 530
 Vtque pars sit uerior ualeat liquere;
 Veriori pronior populus parere.
 Baronum pars igitur iam pro se loquatur,

Et quo zelo ducitur rite *prosequatur*.
 Que pars in principio palam *protestatur*: 535
 Quod honori regio nichil *machinatur*,
 Vel querit *contrarium*; immo *reformare*
 Studet *statum regium* & *magnificare*;
 Sicut si ab hostibus *regnum uastaretur*,
 Non sine baronibus *tunc reformaretur*, [f. 111 r° 2. 540
 Quibus hoc *competeret*, atque *conueniret*;
 Et qui tunc se *fingeret*, ipsum *lex puniret*
 Vt reum *periurij*, regis *proditorem*.
 Qui quicquid *auxilij regis* ad *honorem*
 Potest, debet domino cum *periclitatur*, 545
 Cum uelut in *termino regnum* *deformatur*.
 Regis *aduersarij* sunt *hostes bellantes*,
 Et *consiliarij* regi *adulantes*,
 Qui uerbis *fallacibus principem* *seducunt*,
 Linguisque *duplicibus in errorem* *ducunt*; 550
 Hij sunt *aduersarij peruersis* *peiores*,
 Hij se bonos *faciunt*, cum sint *seductores*,
 Et *honoris proprij* sunt *procuratores*;
 Incautos *decipiunt*, quos *securiores*
 Reddunt *per placencia*, unde non *canentur*¹ 555
 Sed uelut *utilia dicentes* *censentur*.
 Hij possunt *decipere*, plusquam *manifesti*,
 Qui se sciunt *ingere* uelut non *infesti*.
 Quid si tales *miseri talesque mendaces*
 Adhererent lateri *principis*, *capaces* 560
 Tocius *malicie*, *fraudis*, *falsitatis*,
 Stimulis *inuidie puncti*, *prauitatis*
 Facinus *exquirerent*, per quod *regni iura*
 Ad suas *inflecterent pompas*; queque *dura*
 Argumenta *fingerent*, que *communitatem* 565

¹ 555. canentur.

Paulatim confunderent, uniuersitatem
 Populi contererent, & depauperarent,
 Regnumque subuerterent & infatuarent,
 Quod nullus iusticiam posset optinere,
 Nisi qui superbiam talium fouere 570
 Vellet per pecuniam largiter collatam?
 Quis tantam iniuriam sustineret ratam?
 Et si tales studijs suis immutarent [f. III vº 1.
 Regnum, ut iniurijs iura supplantarent;
 Calcatis indigenis aduenas uocarent, 575
 Et alienigenis regnum subiugarent;
 Magnates & nobiles terre non curarent,
 Atque contemptibiles in summo locarent,
 Et magnos deicerent, & humiliarent;
 Ordinem peruerterent & preposterarent; 580
 Optima relinquerent, pessimis instarent;
 Nonne qui sic facerent, regnum deuastarent?
 Quamuis armis bellicis foris non pugnarent,
 Tamen diabolicis armis dimicaret;
 Et regni flebiliter statum uiolarent, 585
 Quamuis dissimiliter non minus dampnarent.
 Siue rex consensciens per seductionem,
 Talem non percipiens circumuencionem,
 Approbaret talia regni destructiua;
 Seu rex ex malicia faceret nociua, 590
 Proponendo legibus suam potestatem,
 Abutendo uiribus propter facultatem;
 Siue sic uel aliter regnum uastaretur,
 Aut regnum finaliter destitueretur,
 Tunc regni magnatibus cura deberetur, 595
 Vt cunctis erroribus terra purgaretur.
 Quibus si purgacio conuenit errorum,
 Conuenit prouisio gubernatrix morum,

Qualiter prospicere sibi non liceret
 Ne malum contingere posset quod noceret; 600
Quod postquam contigerit debent amouere,
 Subitum ne faciat¹ incautos dolere.
 Sic quod non eueniat quicquam *predictorum*,
Quod pacis impediat uel bonorum morum
 Formam; *set* inueniat zelus peritorum, 605
Quod magis expediat commodo multorum; [f. 111 vº 2.
 Cur melioracio non *admitteretur*,
 Cui uiciacio nulla *commiscetur*?
 Nam regis clemencia regisset² maiestas
 Approbare studia debet, que molestas 610
 Leges ita temperant, quod sunt³ miciores,
 Et dum minus honerant, deo *gratiores*.
 Non enim oppressio plebis deo placet,
 Immo miseracio qua plebs deo uacet.
 Phara⁴, qui populum dei sic afflixit, 615
Quod uix ad oraculum, moysi⁵ quod dixit,
 Poterat attendere, post est sic punitus;
 Israel dimittere cogitur inuitus;
 Et qui *comprehendere* credidit dimissum,
 Mersus est dum currere putat *per* abyssum. 620
 Salomon contereere israel nolebat,
 Nec ullum de genere seruire cogebat;
 Quia dei populum sciuit quem regebat,
 Et dei signaculum ledere timebat.
 Et plusquam iudicium laudat misereri, 625
 Et plusquam supplicium pacem, pater ueri.
 Cum constat baronibus hec cuncta licere,
 Restat *racionibus* regis respondere.
 Amotis custodibus uult rex liber esse,

¹ 602. fecerit.² 609. regis et.³ 611. sint.⁴ 615. Pharaos.⁵ 616. moyses.

Subdique minoribus non uult, set præesse, 630
Imperare subditis & non imperari;
Sibi nec prepositis uult humiliari,
Non enim prepositi regi preponuntur,
Immo magis incliti qui ius supponuntur
Vnius; rex aliter unicus non esset, 635
Set regnarent pariter quibus rex subesset.
Et hoc inconueniens, quod tantum uidetur,
Sit deus subueniens, facile soluetur.
Deum namque credimus uelle ueritatem, [f. 112 rº 1.
Per quem sic dissoluimus hanc dubietatem. 640
Vnus solus dicitur & est rex reuera,
Per quem mundus regitur maiestate mera,
Non egens auxilio quo possit regnare,
Set neque consilio qui nequid errare.
Ergo potens omnia sciensque præcedit 645
Infinita gloria omnes, quibus dedit
Sub se suos regere quasique regnare,
Qui possunt deficere, possunt et errare,
Et qui suis uiribus nequeant prestare
Suisque uirtutibus hostes expugnare, 650
Neque sensu proprio regna gubernare,
Set erroris inuio male deuiare;
Indigent auxilio sibi suffragante,
Nec non et consilio se rectificante.
Dicit rex: consencio tue rationi, 655
Set horum electio subsit optioni
Mee; quos uoluero mihi sociabo,
Quorum patrocínio cuncta gubernabo;
Et si mei fuerint insufficientes,
Sensunt¹ non habuerint, aut non sint potentes, 660
Aut si sint maliuoli, & non sint fideles,

¹ 660. sensum.

Set sint forte subdoli, uolo quod reueles,
 Cur ad certas debeam personas artari,
 A quibus preualeam melius iuuari.
 Cuius rei ratio cito declaratur, 665
 Si que sit artacio regis attendatur.
 Non omnis artacio priuat libertatem,
 Nec omnis districtio tollit potestatem.
 Potestatem liberam uolunt principantes,
 Seruitutem miseram nolunt dominantes. 670
 Ad quid uult libera lex reges artari¹?
 Ne possint adultera lege maculari. [f. 112 r° 2.
 Et hec coartacio non est seruitutis,
 Set est ampliatio regie uirtutis.
 Sic seruatur paruulus regis ne ledatur, 675
 Non fit tamen seruulus quando sic artatur.
 Set & sic angelici spiritus artantur;
 Qui, quod apostatici non sint, confirmantur.
 Nam quod auctor omnium non potest errare,
 Omnium principium non potest peccare, 680
 Non est inpotencia, set summa potestas,
 Magna dei gloria magnaue maiestas.
 Sic qui potest cadere si custodiatur
 Ne cadat², quod libere uiuat adiuuatur
 A tali custodia; nec est seruitutis 685
 Talis sustinencia set tutrix uirtutis.
 Ergo regi libeat omne quod est bonum,
 Set malum non audeat; hoc est dei donum.
 Qui regem custodiunt ne peccet temptatus,
 Ipsi regi seruiunt, quibus esse³ gratus 690

¹ 671. The scansion requires some change perhaps; 'Ad quid uult lex libera reges coartari.' Compare 'coartacio' in line 673.

² 684. The scribe had written 'cada'; t is added in a later hand.

³ 690. vere.

Sit, quod ipsum liberant ne sit seruus factus,
 Quod ipsum non superant a quibus est tractus.
 Set quis uere fuerit rex, est liber uere
 Si se recte rexerit regnumque; licere
 Sibi sciat omnia que regno regendo 695
 Sunt conueniencia, set non destruendo.
 Aliud est regere, quod incumbit regi,
 Aliud destruere resistendo legi.
 A ligando dicitur lex, que libertatis
 Tam perfecte legitur qua¹ seruitur gratis. 700
 Omnis rex intelligat quod est seruus dei;
 Illud tantum diligat quod est placens ei;
 Et illius gloriam querat in regendo,
 Non suam superbiam pares contempnendo.
 Rex, qui regnum subditum sibi uult parere, [f. 112 v° 1.
 Reddat deo debitum, alioquin uere
 Sciat, quod obsequium sibi non debetur,
 Qui negat seruicium quo deo tenetur.
 Rursum sciat populum non suum set dei,
 Et ut adminiculum suum² prosit ei. 710
 Et qui paruo tempore populo prefertur,
 Cito clausus marmore terre subinfertur.
 In illas³ se faciat ut unum ex illis,
 Saltantem respiciat dauid cum ancillis;
 Regi dauid similis utinam succedat, 715
 Vir prudens et humilis qui suos non ledat;
 Certe qui non lederet populum subiectum,
 Set illis impenderet amoris affectum,
 Et ipsius quereret salutis profectum;
 Ipsum non permetteret plebs pati defectum. 720
 Durum est diligere se non diligentem,

¹ 700. quam.² 710. Perhaps 'ipse'; the text is certainly corrupt.³ 713. illis.

Durum non despiciere se despicientem,
 Durum non resistere se destituenti;
 Conuenit applaudere se suscipienti.
 Principis conterere non est, set tueri; 725
 Principis obprimere non est, set mereri
 Multis beneficijs suorum fauorem,
 Sicut christus gratijs omnium amorem.
 Si princeps amauerit, debet reamari;
 Si recte regnauerit, debet honorari; 730
 Si princeps errauerit, debet reuocari,
 Ab hijs, quos grauauerit iniuste, negari,
 Nisi uelit corrigi; si uult emendari,
 Debet ab hijs erigi simul & iuari.
 Istam princeps teneat regulam regnandi, 735
 Vt opus non habeat non suos uocandi;
 Qui confundunt subditos, principes ignari
 Sencient indomitos sic nolle domari. [f. 112 vº 2.
 Si princeps putauerit, uniuersitate
 Quod solus habuerit plus de ueritate, 740
 Et plus de sciencia, plus cognitionis,
 Plus habundet gracia, plusque dei donis;
 Si non sit presumptio, immo sit reuera,
 Sua tunc instructio suorum sincera
 Subditorum lumine corda perlustrabit, 745
 Et cum moderamine suos informabit.
 Moysen proponimus, dauid, samuelem,
 Quorum quemque nouimus principem fidelem;
 Qui a suis subditis multa pertulerunt,
 Nec tamen pro meritis illos abiecerunt, 750
 Nec illis extraneos superposuerunt,
 Set rexerunt per eos qui sui fuerunt.
 Ego te preficiam populo maiori
 Et hunc interficiam; dicit deus. mori

Malo *quam* hic *pereat* populus, *benignus* 755
 Moyses respondeat *principatu dignus*.
 Sicque princeps sapiens *nunquam* reprobabit
 Suos, *set* insipiens regnum conturbabit.
 Vnde si rex sapiat minus *quam* deberet,
 Quid regno conueniat regendo? num queret 760
 Suo sensu *proprio* quibus fulciatur,
 Quibus diminutio sua suppleatur?
 Si solus elegerit, facile fallitur,
 Vtilis qui fuerit a quo nescietur.
 Igitur *communitas* regni consulatur, 765
 Et quid uniuersitas senciatur, sciatur,
 Cui leges *proprie* maxime sunt note;
 Nec cuncti *prouincie* sic sunt ydiote,
 Quin sciatur plus ceteris regni sui mores,
 Quos relinquunt posteris hij qui sunt priores. 770
 Qui reguntur legibus magis ipsas sciunt, [f. 113 r^o l.
 Quorum sunt in usibus plus periti fiunt.
 Et quia res agitur sua plus curabit¹,
 Et quo pax adquiritur sibi procurabunt.
 Pauca scire poterunt, qui non sunt experti, 775
 Parum regno proderunt, nisi qui sunt certi.
 Ex hijs potest colligi, quod *communitatem*
 Tangit quales eligi ad utilitatem
 Regni recte debeant; qui uelint & sciatur
 Et prodesse ualeant, tales regis fiant 780
 Et consiliarij & coadiutores;
 Quibus noti uarij *patrie* sunt mores;
 Qui se ledi senciatur, si regnum ledatur;
 Regnumque custodiant, ne, si noceatur
 Toti, partes doleant simul patientes; 785
 Gaudenti congaudeant, si sint diligentes.

¹ 773. curabunt.

Nobile iudicium regis salomonis
 Ponamus in medium; que diuisionis
 Paruuli non horruit inhumanitatem,
 Quia non condoluit, atque pietatem 790
 Materiam¹ non habuit, quod mater non erat,
 Teste rege, docuit; ergo tales querat
 Princeps, qui condoleant uniuersitati,
 Qui materne timeant regnum dura pati.
 Set si quem non mōueat ruina multorum, 795
 Si solus optineat que uult placitorum,
 Multorum regimini, non est cooptatus,
 Suo cum sit omnium² soli totus datus.
 Communis conueniens est communitati;
 Set uir incompaciens cordis indurati 800
 Non curat, si ueniant multis casus duri;
 Casibus non obuiant tales modo muri.
 Igitur eligere si rex per se nescit,
 Qui sibi consulere sciant, hinc patescit [f. 113 r° 2.
 Quid tunc debet fieri; nam communitatis 805
 Est ne fiant miseri duces dignitatis
 Regie, set optimi et electi uiri
 Atque probatissimi qui possint inquiri.
 Nam cum gubernatio regni sit cunctorum
 Salus uel perditio, multum refert quorum 810
 Sit regni custodia; sicut est in nauī³,
 Confunduntur omnia si presint ignaui⁴,
 Si quis transfretancium positus in nauī,
 Ad se⁵ pertinencium abutatur clauī,
 Non refert si prospere nauis gubernetur. 815
 Sic qui regnum regere debent, cura detur,
 Si de regno quispiam non recte se regit,

¹ 791. maternam.² 798. ordini.³ 811. Perhaps 'mari.'⁴ 812. Perhaps 'ignari.'⁵ 814. Aut si.

Viam uadit inuiam quam forsán elegit.
 Optime res agitur uniúersitatis,
 Si regnum dirigitur uia ueritatis; 820
 Et tamen si subditi sua dissipare
 Studeant, prepositi possunt refrenare
 Suorum stulticiam et temeritatem,
 Ne per insolenciam uel fatuitatem
 Stultorum potencia regni subneruetur, 825
 Hostibus audacia contra regnum detur.
 Nam quocunque corporis membro uiolato
 Fit minoris roboris corpus; ita dato,
 Quod uel uiri¹ liceat proprijs abuti
 Quamuis regno noceat, plures mox secuti 830
 Et² libertatem noxiam, sic multiplicabunt
 Erroris infamiam, quod totum dampnabunt.
 Nec libertas proprie debet nominari,
 Que permittit inscie stultos dominari;
 Set libertas finibus iuris limitetur, 835
 Spretisque limitibus error reputetur.
 Alioquin liberum dices furiosum, [f. 113 vº 1.
 Quamuis omne prosperum illi sit exosum.
 Ergo regis ratio de suis subiectis
 Suomet arbitrio quorum³ uolunt uectis, 840
 Per hoc satis soluitur satis infirmatur,
 Dum quiuis, qui subditur, maiore domatur;
 Quia nulli hominum dicemus⁴ licere
 Quicquid uult, set dominum quemlibet habere,
 Qui errantem corrigit, beneficientem 845
 Adiuvat⁵, & erigit⁶ quandoque cadentem.
 Premio preferimus uniúersitatem;
 Legem quoque dicimus regis dignitatem

¹ 829. uiris, or uiro with James.² 831. omit 'et.'³ 840. quocum. ⁴ 843. dicimus. ⁵ 846. adiuet. ⁶ 846. erigat.

Regere, nam credimus esse legem lucem,
 Sine qua concludimus deuiare ducem. 850
 Lex, qua mundus regitur atque regna mundi,
 Ignea describitur, quod sensus profundi
 Continet misterium; lucet, urit, calet;
 Lucens uetat deuium, contra frigus ualet,
 Purgat, & incinerat, quedam dura mollit, 855
 Et quod crudum fuerat, ignis coquit, tollit
 Torporem, & alia multa facit bona.
 Sancta lex similia prestat regi dona.
 Istam sapienciam salomon petiuit;
 Eius amicitiam tota vi quesuiuit. 860
 Si rex hac caruerit lege, deuiabit;
 Si hanc non tenuerit, turpiter errabit.
 Istius presenciam recte dat regnare,
 Et eius absencia regnum perturbare.
 Ista lex sic loquitur: per me regnant reges, 865
 Per me ius ostenditur hijs qui condunt leges.
 Istam legem stabilem nullus rex mutabit,
 Set se uariabilem per istam firmabit;
 Si conformis fuerit huic legi, stabit;
 Et si disconuenerit isti, uacillabit. [f. 113 vº 2. 870
 Dicitur uulgariter: ut rex uult, lex uadit;
 Veritas uult aliter, nam lex stat, rex cadit.
 Veritas, et caritas, zelusque salutis
 Legis est integritas, regimen uirtutis;
 Veritas lux, caritas calor, urit zelus; 875
 Hec legis uarietas tollit omne scelus.
 Quicquid rex statuerit, consonum sit istis;
 Nam si secus fecerit, plebs reddetur tristis.
 Confundetur populus, si uel ueritate
 Caret regis oculus, siue caritate 880
 Principis cor careat, uel seueritate

Zelum non adimpleat semper moderate ;
 Hijs *tribus* suppositis *quicquid* placet regi
 Fiat ; *set* oppositis rex resistit legi.

Set recalcitratio stimulo non nocet ; 885
 Pauli sic instructio de celo nos docet.

Sic exheredatio nulla fiet regi,
 Si fiat prouisio concors iuste legi.
 Nam dissimulatio legem non mutabit,
 Cuius firma ratio sine fine stabit. 890

Vnde si *quid* utile diu est dilatum,
 Irreprehensibile sit sero prelatum.

Et rex nichil *proprium* preferat communi,
 Quia¹ salus omnium sibi cessit uni ;

Non enim preponitur sibimet uicturus, 895
Set ut hic, qui subditur, populus securus.

Regis esse noueris nomen relatiuum,
 Nomen quoque sciueris esse protectiuum ;
 Vnde sibi uiuere soli non licebat,

Qui multos *protegere* uiuendo debebat² ; 900
 Qui uult sibi uiuere non debet *preesse*,

Set seorsum degere, & ut solus esse.

Principis est gloria plurimos saluare, [f. 114 rº 1.

Cum sua molestia multos releuare ;

Non alleget igitur suimet profectum, 905

Sed in *quibus*³ creditur subditis prospectum ;

Si regnum saluauerit, quod est regis fecit,

Quicquid secus egerit, in ipso defecit.

Vera regis ratio ex hijs satis patet,

Quod uacantem proprio status regis latet. 910

Namque uera caritas est proprietati

Quasi contrarietas, et communitati

Fedus insolubile ; conflans uelud ignis

¹ 894. Perhaps 'Quasi.'

² 900. debebat.

³ 906. a quibus.

Omne quod est habile, sicut fit in lignis,
 Que dant igni crescere paciens actiuo, 915
 Subtracta decrescere modo recituo.
 Ergo si feruerit princeps caritate,
 Quantumcunque poterit, de communitate,
 Sic sollicitabitur quod recte regatur,
 Et nunquam letabitur si destituatur. 920
 Vnde si dilexerit rex regni magnates,
 Quamuis solus sciuerit, quasi magnus uates,
 Quicquid opus fuerit ad regnum regendum;
 Quicquid se decuerit, quicquid faciendum;
 Quod sane decreuerit illis non celabit, 925
 Preter quos non poterit id, quod ordinabit,
 Ad effectum ducere; igitur tractabit
 Cum suis, que facere per se¹ putabit.
 Cur sua consilia non communicabit,
 A quibus auxilia suplex postulabit? 930
 Quicquid suos alicit ad benignitatem,
 Et amicos efficit, fouet unitatem,
 Regiam prudentiam decet indicare
 Hijs qui suam gloriam possunt augmentare,
 Dominus discipulis cuncta patefecit, 935
 Diuidens a seruulis quos amicos fecit; [f. 114 r° 2.
 Atque quasi nescius a suis quesiiuit,
 Quid sentirent, sepius, quod perfecte sciuit.
 O! si dei quererent principes honorem,
 Regna recte regerent & preter errorem. 940
 Si dei noticiam principes haberent,
 Omnibus iusticiam suam exhiberent;
 Ignorantes dominum, uelut excecati,
 Querunt laudes hominum uanis delectati.
 Qui se nescit regere multos male reget; 945

¹ 928. Supply 'non.'

Si quis uult inspicere, psalmos idem leget :
 Ioseph ut se debuit ¹ principes docere,
 Propter quod rex uoluit ipsum preminere ;
 Et in innocencia cordis sui dauid
 Et intelligencia israelem paut. 950
 Ex predictis omnibus poterit liquere,
 Quod regem ² magnatibus incumbit uidere,
 Que regni conueniant gubernacioni,
 Et pacis expediant conseruacioni ;
 Et quod rex indigenas sibi laterales 955
 Habeat, non aduenas, neque speciales,
 Vel consiliarios uel regni maiores,
 Qui supplantant alios atque bonos mores.
 Nam talis discordia paci nouercatur,
 Et inducit prelia, dolos machinatur. 960
 Nam sicut inuidia diaboli mortem
 Induxit, sic odia separat cohortem.
 Incolas in ordine suo rex tenebit,
 Et hoc moderamine regnando gaudebit.
 Si uero studuerit suos degradare, 965
 Ordinem peruerterit, frustra queret, quare
 Sibi non obtemperant ³ ita perturbati ;
 Immo si sic facerent essent insensati.

¹ 947. docuit.

² 952. Perhaps 'regni'; and in that case it is possible that 'regis' should be read in 953, thus rhyming with 'paxis' in 954; compare the similar repeated rhymes in 669, 670.

³ 967. obtemperant.

TRANSLATION.

¹ HIS tongue is the pen of the writer who thus readily writes, laudably blessing thee, O right hand of God the Father, Lord of hosts, Who givest prosperity to Thine own, when Thou wilt, at Thy nod ; in Thee may all now learn to trust, whom those, who are now brought to ruin, were desirous to ruin, whose head is captured, whose members are captive ; the proud people are fallen, the faithful are glad. Now England breathes again, hoping for liberty, to whom may God's grace grant prosperity ! The Eng- 10
lish likened unto dogs were become vile, but now have they raised their head over their vanquished foes.

In the year of grace one thousand two hundred and sixty-four, on the Wednesday also after the feast of Pancras, the populace of the English bore the shock of very grievous fight at the castle of Lewes ; for to wrath yielded reason, life to the sword. On the day before the Ides of May they came together, they began the battle of terrible strife ; in the county of Sussex 20
was it done, and in the bishopric of Chichester. The sword waxed strong, many fell, truth prevailed, and the false fled. For the Lord of hosts withstood the perjured, and the shield of truth stood before the pure ; the former the sword without and fear within has destroyed, the latter the favour of heaven has strengthened more fully. The feast of Victor and S. Corona renders testimony on behalf of this contest ; when the Church 30
honoured the said saints, victory crowned the true soldiers. The wisdom of God, that rules the whole world, has done marvellous things, and made a joyful war ; has made the strong to flee, and

¹ In this translation I have adopted the emendations suggested in the footnotes to the text.

the men of might to enclose themselves in a cloister, and also in safe places. Not by arms, but by the grace of Christianity, that is in a church, remained the sole refuge for the excommunicate ;
40 their horses abandoned, this plan occurred to the conquered. And to *her*, whom previously they had not feared to profane, whom they ought to have honoured in the place of a mother, to her although too little worthy, they flee, and fortify themselves with the embrace of the word of salvation. Those whom prosperity made to scorn their mother, wounds compelled to honour their mother. At Northampton having prospered by treachery they despised the Church ; faithless sons they troubled
50 the bowels of their holy mother with the sword, prospering they deserved not a prosperous war. Then did the mother bear her wrong patiently as though through indifference, but now she punishes abundantly this and the other *offences* which they afterwards added, for madmen they harmed many churches ; and the monastery which is called Battle did the band of raging men, which is now disbanded, without mercy spoil of its goods, and in such wise prepared for themselves a battle. The Cister-
60 cian monks of Robertsbridge would not have been secure from the fury of the sword, if they had not given five hundred marks to the prince, which Edward commanded to be taken, or they would have perished. For these and like deeds they deserved to yield and fall before their foes. May the Lord bless Simon de Montfort, his sons no less, and his company ! Who nobly exposing themselves to death fought bravely, pitying the
70 mournful lot of the English, who trampled on in a manner that can hardly be described, and well-nigh deprived of all liberties, nay of their life, languished under hard princes, even as the people of Israel under Pharaoh, groaning under a tyrannical devastation. But God beholding this suffering of the people, gives in the end of the age a new Mathathias, who, with his sons, zealous after the zeal of the law, yielded not to the wrongdoing nor to the fury of the king.

They call Simon a misleader and deceiver, but his deeds test
80 him and prove him truthful. The treacherous fail in time of need ; they who flee not death, are in the truth. But now says

the envious man and plotter, whose evil eye is the disturber of peace: 'If thou praisest the constancy, and the fidelity, which flees not the instancy of death, or punishment, those men shall equally be called constant, who go likewise to battle, fighting in their turn, likewise exposing themselves to hazard, and subjecting themselves to a hard epithet.' But in our battle, wherewith we are now concerned, let us see of what kind is the difference of the case.

The Earl had few men tried in arms; the party of the King was swollen great, having the trusty warriors and greater men of England gathered together, and those who were called the flower of the knighthood of the realm. Those who were furnished with arms from London would be the three hundred preferred to the many thousands; whence they were contemptible to those men, and detestable to the experienced. The Earl's knights were for 100 the most part striplings, novices in arms they knew too little of war. Now girt with his sword the tender youth stands at dawn in battle accustoming himself to arms; what wonder if a recruit so raw be fearful, and if the powerless lamb is wary of the wolf! Thus then are they inferior in knighthood who fight for England, and are also far fewer than the strong men; *who were* boasting enough of their own valour, so that they thought 110 safely and without peril, as it were to swallow up all who rendered their aid to the Earl. For also of those, whom the Earl had led to the contest, from whom he had hoped for no small assistance, many presently withdrew themselves in terror, and as it were amazed betook themselves to flight; and of three parts the third deserted; the Earl with his faithful few never yielded. We may compare the battle of Gideon with our own; in *both of* which we see the few of the faithful conquer the 120 many in number that have not the faith, like Lucifer, trusting in themselves. 'If I were to give victory to the many,' says God, 'the foolish would not give the glory to Me but to the foolish.' So if God had given it to the strong to conquer, the common folk would have given the praise to such *men* and not unto God.

From this it can be gathered that the men of war feared not

God, whence they did nothing which may prove their constancy
130 or fidelity, but *on the contrary* their pride and cruelty ; wishing to confound the party which they despised, rashly issuing forth they speedily perished. Exaltation of heart is the preparation of destruction, and lowliness deserves the divine grace to be given unto it ; for he who trusts not in God, the pride of this *man* does God break down. We bring forward Aman and Mardocheus ; we read that the one was proud, the other a true Jew. The gallows, which Aman had prepared for Mardocheus
140 in the morning, the wretched man endures when hung thereon. The queen's banquet blinded Aman, *the banquet* which he regarded as a great privilege ; but his vain hope is turned to confusion, when after the feast he is dragged to the hanging. Thus did sorrow seize on the last part of his joy, when it associated the end of the banquet with death. Very dissimilar is the fate of the Jew, whom the King honours highly, God *so* granting.
150 Goliath is laid low by the hurling of a pebble ; whom God pursues, for him does nothing avail. To the aforesaid divers reasons add that the foul bawds had gathered to themselves so many strumpets, even seven hundred, whom they ought to have known to be guileful disciples of Satan for deceiving souls, and firebrands for inflaming them, treacherous sharp knives for shearing the locks of Samson, and bringers of the stains of disgraceful conduct on the wretched who are not stout-hearted, nor con-
160 firmed by the grace of the divine gift, spiritual beings given to the lusts of the flesh, prepared with the brutish filthiness thereof they ought not to be worthy of victory, who were defiled with the foul debauchery of the flesh ; they diminished their strength by the stews which they made, whence they were unworthy of knightly *things*. Let the knight be girded with his sword upon his thigh, let there be no loosening, let there be no vile acts ; the body of the new-made knight is wont to be
170 bathed, so that he may learn to be cleansed from forbidden deeds. They who had lately taken lawful wives, were not so fit for the Lord's war ; the battle of Gideon is witness, much less *are they*, whom the furnace had injured with the fire of debauchery. Why therefore should God aid the adulterers, and

not rather strengthen the clean children? Let them be cleansed who desire to conquer by fighting; they who subdue *their* faults are in the way of triumph; let them first conquer *their* vices, 180 who desire to be with justice conquerors over sinners. If the just at times seems to be conquered by the impious, let him on the contrary be deemed the conqueror; for neither shall the just have been able to be conquered, nor the unjust to conquer so long as he shall be the enemy of justice.

Hear the equity of Earl Simon! When the party of the King sought the sole penalty of his head and life, and would not admit the redemption of his head, but *would have* its severance; by whose confusion the most of the people would be confounded, 190 and the greatest part of the realm would be put in peril; most grievous ruin would at once follow, which would not be repaired by the longest delay. Stephen, by the divine grace, bishop of Chichester, sighing deeply for the boundless evils that were then already without fiction imminent, when the parties had been persuaded concerning the forming of peace, heard this answer from the Earl: 'Choose the best men, whose faith is lively, who have read the decretals, or have becomingly taught theology, and sacred philosophy, and who know how to rule the Christian 200 faith; and whatever such men *shall not fear* through wholesome doctrine to counsel, or whatever they shall not fear to decide, what they shall say, that shall they find us ready to adopt; in such manner that we may not know the brand of perjury, but as sons of God may hold faith.' Hence can they, who readily swear and hesitate little to reject what they swear, *who* quickly withdraw though they swear what is lawful, and render not 210 wholly their promises to God, estimate with how great *care* they ought to preserve their oath, when they see a man flee neither torment nor death, for the sake of his oath, which was offered not rashly, but for the reforming of the state of the English nation which had fallen, which the treachery of an envious foe had violated. Behold! Simon obedient scorns the loss of property, subjecting himself to penalties, that he may not let go the truth, proclaiming openly to all men by deeds more than by words, that truth has no communication with falsehood. Woe 220

to the wretched perjurers, who fear not God, denying Him for the hope of earthly reward, or fear of prison or of a light penalty ; the new guide of the journey teaches *us* to bear whatever the world may have inflicted for the sake of truth, which is able to give perfect liberty. For the Earl had formerly pledged his oath, that whatever the zeal of the wise had provided for the
230 reformation of the royal honour, and the shunning of wandering error, in the parts of Oxford, that he would firmly preserve, and would not change the law of this decision ; knowing that such canonical constitutions and such catholic ordinances for the peaceful preservation of the realm, on account of which he had previously sustained no slight persecution, were not to be scorned, and that, because he had sworn, they were to be stoutly maintained, unless the most perfect teachers of the faith
240 should say, that *those* takers of an oath could be absolved, who had previously offered such an oath, and that what they had sworn was not to be attended to. Which, when the said bishop recited to the King, and the artificer of fraud was perhaps standing by, the voice of the throng of the arrogant is raised on high : ‘ See ! now is a knight subjected to the sayings of clerks. Knighthood put under clerks has become of little esteem.’ Thus was the wisdom of the Earl despised ; and Edward is said to have
250 answered : ‘ Peace is forbidden to them, unless they all bind themselves with halters on their necks, and bind themselves over to us for hanging or for drawing.’ What wonder if the Earl’s heart was then moved, since no penalty save that of the gallows was provided. He offered what he ought, but he was not heard ; the King, forgetful of his safety, rejected moderation. But as the issue of the event on the morrow taught, the measure, which he then willed not, was not afterwards found.
260 At even the devotion of the Earl is derided, whose charge on the morrow will be felt to be victorious. This stone long refused by the enemy, was afterwards fitted to the two side-walls. The division of desolation of England was on our borders ; but for a defence against division was present a corner-stone, the wholly singular religion of Simon. The faith and fidelity of Simon alone is become the security of the peace of all England ;

the rebels he humbles, he raises those lying in despair; the realm he reconciles, repressing the proud; and in what manner 270 does he repress them? Certainly not by jesting, but the red juice he presses out by hard fighting; for truth compelled him to fight, or to abandon the truth, but he chose prudently to give his right hand to truth, and by the rough road that is joined unto probity, by the short and toilsome path unpleasant to the proud to obtain the reward which is given to the forceful, rather than to displease God by shrinking, and to advance the aims of 280 the wicked by flight. For certain *men* had aimed to blot out the name of the English, whom they had already begun to hold in hatred; against whom God opposed a remedy, when He willed not the sudden ruin of them.

Hence may the English learn to call in foreigners, if they wish to be exiled by strangers; for they who wish to increase their own glory, and would wish their memory to stand for ever, are eager to associate many of their own nation with themselves, and soon to place them amongst the greatest; so the confusion 290 of the natives increases, indignation increases, bitterness of heart increases, when the chief men of the realm feel that they are oppressed by those who make themselves equal to them, taking away what ought to have been theirs, growing by the things by which they were accustomed to grow. The King ought to honour with escheats and wardships his own men, who can aid him in divers ways, who, the stronger they are in might, are so much the surer in all chances. But if those, who brought 300 nothing are endowed with his *goods*, if those, who were of no account, are made great, such men, when they have begun to grow, always climb on until they have supplanted the natural subjects; they are eager to turn away the heart of the prince from his own *people*, so that they may strip of glory those whom they wish to fall. And who would be able to bear such things patiently? Therefore let England learn prudently to take care that no such perplexity further befall *her*, that no such adversity touch the English. The Earl was eager to obviate this evil, 310 which had grown too strong, as it were a great sea, which could not be dried up by a small effort, but was to be crossed by the

great assistance of God. Let foreigners come *but* quickly to withdraw, as though for the moment, but not to remain. One of the two hands helps the other, neither taking away the grace which more truly belongs to them *both*. Let each by keeping
320 his own place aid and not injure, by so coming let the French be of service by doing good to the English, and by not misleading him through a sophistical countenance; and not the one by withdrawing the goods of the other; nay, rather by bearing his own burden. If it was his own advantage which had moved the Earl, he would have had no other zeal, nor would he have sought with his whole intent for the reformation of the realm, but a designing for lordship would seek its own *advancement* alone, and he would set before him the advancement of his own
330 *friends*, would aim at the enrichment of *his* sons, and would neglect the safety of the community, and would veil the poison of falsehood with the cloak of duplicity; thus he would abandon the faith of Christianity, and would subject himself to the law of a terrible penalty, nor would he escape the weight of the storm. And who is able to believe that he would give himself to death, would be willing to ruin his *friends*, that he might thus exalt *himself*? Those who hunt after honour, and those who are
340 always meditating how to escape death, cloak themselves cunningly; no men love the temporal life more, no men choose the station that is not of death more. Those who thirst for honours, dissimulate their aim; cautiously they make for themselves the name which they aim at; not so does the venerable Simon de Montfort, who, like unto Christ, gives himself to death for the many; Isaac dies not when he is ready to die, the ram is delivered to death, Isaac to honour. Neither fraud nor falsehood moved the Earl, but the divine grace which knows whom it may
350 help. If you recall the hour and place of the conflict, you will be able to find that it promised him to be the conquered rather than the conqueror; but God provided that he should not succumb. Not by night does he steal down of a sudden in secret; nay, when the day has returned he fights in the open. Thus also was the place favourable to his enemies; so that hence it is clear to all that it is the gift of God, that victory yielded to him

who does not trust in himself. Hence may the knighthood, which praises the exercise of the tournament, that it may thus 360 be rendered ready for battle, learn how the party of the strong trained *men* was here crushed by the arms of the feeble and unpractised. In order that he may confound the strong *places*, God promotes the powerless, that he may strengthen the weak *places*, he lays low the powerful. So let no man now presume to trust in himself, but if he know how to place his hope in God, let him take up arms with constancy by doubting nothing, *but* by helping, since God is on behalf of justice. And 370 thus it became God to help the Earl, without Whom he could not overcome the enemy. Whose enemy shall I say? The Earl's alone? Or shall I recognise the enemy of the English and of the whole realm? Perchance too of the Church, therefore also of God? Because if *this is* so, what *manner* of grace would be fitting for him? He failed to deserve grace by trusting in himself, and by not fearing God did not deserve to be assisted. Therefore falls the boast of personal might. And evermore be 380 blessed the Lord God of Vengeance, Who gives help to the destitute of strength, to the few against the many by crushing the foolish with the might of the faithful, Who sits afar in heaven on His throne; and by His own might treads upon the necks of the proud, subduing the great *things* beneath the feet of the less; He has subdued two kings and the heirs of kings, whom He has rendered captive *as* transgressors of the laws; and the pomp of the knighthood with its great following has He given unto shame; for the weapons, which the barons in *their* zeal 390 for justice had taken up on behalf of the realm, they employed on the sons of pride, until victory was given from heaven with great glory which was not expected; for the bow of the mighty was then overcome, the assembly of the weak was made firm with strength. And we have said from heaven, lest any *man* glory; but unto Christ Whom we believe, let all the honour be given! For Christ at once commands, conquers, reigns; Christ delivers His own, to whom He has given faith. We 400 pray God grant them, that the proud spirit of the conquerors kiss not their own hands, but that, what Paul advises, be observed by

them : 'He that rejoiceth, let him rejoice in the Lord.' If any of our *party* be glad with vainglorying, may the Lord be indulgent, and not wrathful ! And may He make our *party* cautious against the future ; and that the doing may not fail, let them make themselves a wall ! May the power of the Almighty complete what He has commenced, and may He
410 restore the kingdom of the English nation ! So that there may be glory to Himself, peace to His elect, conducted under His guidance until they are in their country. Read this, ye English, concerning Lewes' fight, under the protection whereof ye live defended. Because if victory had yielded to those *who are* now vanquished, the remembrance of the English would have *been* vanquished *and* become worthless.

Whereunto shall the noble Edward be compared ? Perhaps he will be rightly called a leopard. If we divide the name it
420 becomes lion and pard ; lion, because we saw that he was not slow to attack the strongest *places*, fearing the onslaught of none, with the boldest valour making a raid amidst the castles, and wherever he goes succeeding as it were at his wish, as though like Alexander he would speedily subdue the whole world, if Fortune's moving wheel would stand still for ever ; wherein let the highest forthwith know that he will fall, and that he who reigns as lord will reign but a little time. And this has,
430 it is clear, befallen the noble Edward, who, it is agreed, has fallen from his unstable position. A lion by pride and fierceness, he is by inconstancy and changeableness a pard, changing his word and promise, cloaking himself by pleasant speech. When he is in a strait he promises whatever you wish, but as soon as he has escaped he renounces his promise. Let Gloucester be witness, where, when free from his difficulty, he at once revoked what he had sworn. The treachery or falsehood whereby he is
440 advanced he calls prudence ; the way whereby he arrives whither he will, crooked though it be, is regarded as straight ; wrong gives *him* pleasure and is called right ; whatever he likes he says is lawful, and he thinks that he is released from law, as though *he were* greater than the King. For every king is ruled by the laws which he makes ; King Saul is rejected because he

broke the laws ; and David is related *to have been* punished as soon as he acted contrary to the law ; hence, therefore, let him who makes laws, learn that he cannot rule who observes not the law ; nor ought they, whose concern it is, to make this man king. O Edward ! thou dost wish to become king without law ; verily 450 they would be wretched who were ruled by such a king ! For what is more right than law, whereby all things are ruled ? And what is more true than justice, whereby matters are decided ? If thou desirest the kingdom, reverence the laws ; the attacking of the law will give rough roads, rough and impassable *roads*, which will not lead thee through ; if thou dost guard the laws, they shine as a lamp. Therefore avoid and abhor treachery, be 460 zealous for truth, hate falsehood. Although treachery may flourish, it cannot bear fruit ; this let the psalm teach thee : ‘ My eyes,’ says God, ‘ are on the faithful of the earth, whom verily I wish to sit with Me in the end of the world.’ See what now avails the treachery of Northampton, nor does the heat of deceit glow like a fire. If you wished to compare treachery to a fire, you would have been careful to feed such a fire with straw, which as soon as it has burnt up, ceases to blaze, and when it has scarcely begun comes to an end. So passeth away 470 vanity that hath no roots ; truth that is rooted undergoes no changes. Therefore desire only that which is lawful, and let not what the double-minded man shall say please thee. ‘ A prince will think what is worthy of a prince’ ; therefore take upon thyself the law which shall render thee worthy of the rule over many ; worthy of the office of prince, of the assistance of many, of a great company. And wherefore dost thou not love those whose king thou dost wish to be ? Thou dost not choose to profit them, but only to be over them. He who seeks no 480 one’s glory but his own, through the pride of that man, whatever he rules perishes. So has all that which thou didst lately rule, perished ; the glory which alone thou didst seek has passed away.

See ! we touch the root of the disturbance of the kingdom about which we are writing, and of the dissension of the parties who fought the said battle ; to different *objects* did they turn their aim. The King with his party wished to be thus free, and

'490 urged that he ought to be so, and was of necessity, or that de-
prived of a king's right he would cease to be king, unless he
should do whatever he might wish; that the magnates of the
 realm had not to heed, whom he set over his own counties, or
 on whom he conferred the wardenship of castles, or whom he
 would have to show justice to his people; and he would have as
 chancellor and treasurer of his realm anyone soever at his own
 will, and counsellors of whatever nation, and various ministers at
 500 his own discretion, without the barons of England interfering in
 the King's acts, as 'the command of the prince has the force of
 law'; and that what he might command of his own will would
 bind each. For every earl also is thus his own master, giving
 aught of his own in what measure and to whom he will—castles,
 lands, and revenues, he entrusts to whom he will, and although
 he be a subject, the King permits it all. Wherein if he shall have
 done well, it is of profit to the doer, if not, he himself shall see
 510 to it; the King will not oppose him whilst injuring himself. Why
 is the prince made of worse condition, if the affairs of a baron,
 a knight, and a freeman are so managed? Wherefore they
 intrigue for the King to be made a servant, who wish to lessen his
 power, and to take away his dignity of prince; they wish to
 thrust down into wardship and subjection the royal power made
 captive through sedition, and to disinherit the King, that he may
 520 not have power to rule so fully as hitherto have done the kings who
 preceded him, who were in no wise subject to their own *people*,
 but managed their own affairs at their will, and conferred their
 own at their own pleasure. This is the King's pleading which
 seems true, and this allegation protects the right of the realm.

But now let *my* pen be turned to the opposite side. Let the
 proposal of the barons be subjoined to what has already been
 said; and when the parties have been heard let the statements be
 530 compared, and after comparison let them be closed by a definite
 termination, so that the truer part may be clear; the people are
 more prone to obey the more true. Therefore let the party of
 the barons now speak on its own behalf, and let it duly follow
 whither it is led by zeal. Which party in the first place openly
 makes protestation, that it devises naught against the royal

honour, or seeks *anything* contrary to it ; nay, is zealous to reform and magnify the kingly state ; just as, if the kingdom were ~~devastated by enemies~~, it would not then be reformed ~~without the barons~~, to whom this would be proper and suitable ; and he who should then falsify himself, him the law would 540 punish as guilty of perjury, as a betrayer of the king. He who can contribute aught of aid to the king's honour, owes it to his lord when he is in peril, when the kingdom is deformed as it were in extremity.

The king's adversaries are enemies who make war, and counsellors who flatter the king, who by deceitful words mislead the prince, and with double tongues lead him into error ; these are worse adversaries than the perverse, they make themselves *out* 550 *to be* good, when they are misleaders, and they are procurers of their own honour ; they deceive the unwary whom they render more careless through pleasant *words*, whence they are not guarded against but are looked on as speaking useful *things*. These can deceive more than *can* the open, as they know how to feign themselves as not hostile. What, if such wretches and such liars should cleave to the side of the prince, full of all malice, fraud and falsehood, pricked with the stings of envy they 560 would devise a deed of wickedness, through which they might bend to their own ostentation the rights of the realm ; *and* should fashion some hard arguments, which would gradually confound the community, crush and impoverish the commonalty of the people, and subvert and infatuate the kingdom, so that no one might be able to obtain justice unless he were willing to foster the pride of such *men* by means of money amply bestowed ? Who 570 would endure so great a wrong to be imagined ? And if such *men* by their aims were to alter the realm, so as to supplant right by unright ; and after trampling on the natives were to call in strangers, and were to subdue the kingdom to foreigners ; were not to regard the magnates and nobles of the land, and were to put mean *men* in the highest *place*, and were to cast down and humble the great, were to pervert order and turn it upside down ; were to abandon the best, be urgent on the worst ; would not those who should do *thus*, lay waste the 580

kingdom? Although they might not be fighting with weapons of war from abroad, yet would they be contending with the devil's weapons, and pitifully violating the state of the realm, although their manner was different (*lit.* differently) they would do no less damage. Whether the king consenting through misguidance, or not perceiving such deceit, were to approve such *measures* destructive to the kingdom; or whether the king out of malice were to do harm, by preferring his own power to the
590 laws, or by abusing his strength on account of his opportunity; or if thus or otherwise the kingdom be wasted, or the kingdom be made utterly destitute, then ought the magnates of the kingdom to take care, that the land be purged of all errors. And if to them belongs the purging of error, *and to them* belongs provision the governess of customs, how would it not be lawful for them to take foresight lest any evil happen which might be
600 harmful; which, after it may have happened, they ought to remove, lest of a sudden it make the unwearied to grieve. Thus that none of the aforesaid things may come about, which may impede the forming of peace or good customs; but that the zeal of the skilled may come in, which may be more expedient to the interest of the many; why should not improvement be admitted wherein no corruption is mingled? For the clemency of the king, and the majesty of the king ought to approve endeavours, which so temper baleful laws, that they be milder, and while
610 less burdensome, be more welcome to God. For the oppression of the people pleases not God, nay rather does the compassion whereby the people may have leisure for God. Pharaoh, who thus afflicted the people of God, because he was scarcely able to hearken to the prophecy which Moses declared, was afterwards thus punished; he is compelled to let Israel go against his will, and he who trusted to catch him *whom he had* let go, was overwhelmed whilst he thinks to run through the deep.
620 Solomon was unwilling to crush Israel, nor did he compel any of the race to be a slave; because he knew that it was God's people whom he ruled, and feared to injure the seal of God. The Father of Truth both praises mercy more than judgment, and peace more than punishment.

Since it is agreed that all this is lawful for the barons, it remains to reply to the reasonings of the king. The king wishes, by the removal of his guardians, to be free, and wishes not to be subject to his interiors, but to be over them, to command his subjects and not to be commanded; nor does he wish to be humbled to those set in authority, for those, who are set in authority, are not set over the king, nay rather are men of distinction who support the right of the one; otherwise the king would not be without a rival (*lit.* unique) but they, whom the king was under, would reign equally. Yet this incongruity which seems so great, may, with God's assistance, be easily solved. For we believe that God, through Whom we thus dissolve this doubt, desires the truth. One alone is called, and is King in truth, through Whom the world is ruled by pure majesty, *Who* needs not assistance whereby He may be able to reign, nay nor counsel, Who cannot err. Therefore all-powerful and knowing He excels in infinite glory all, to whom He has granted to rule His *people* under Him and as it were to reign, who are able to fail and able to err, and who cannot stand by their own strength and overcome their enemies by their own valour, nor govern kingdoms by their own understanding, but go badly astray in the pathlessness of error; they need assistance that supports them, yea and counsel that keeps them right. The king says: 'I agree to thy reasoning, but the election of these men falls under my choice; I will associate with me whom I will, by whose defence I will govern all *things*; and if my own *men* be insufficient, have not understanding, or be not powerful, or if they be evil-wishers, and be not faithful but may perchance be treacherous, I wish thee to make clear, why I ought to be constrained to certain persons, and from whom I have power to get better assistance.' The reasoning on which matter is quickly declared, if it be considered what the constraining of the king is. All constraint does not deprive of liberty, nor does all restriction take away power. Those that are princes wish for free power, those that are lords wish not for wretched slavery. To what purpose does *any* law wish kings to be bound? That they may not be able to be chained by an adulterine law. And this con-

straining is not of slavery, but is the enlarging of kingly virtue. So is the king's child preserved that he may not be hurt, yet he becomes not a slave when he is so constrained. Yea thus also are the angel spirits constrained, who are confirmed that they be not apostate. For that the Author of all is
680 not able to err, that the Beginning of all is not able to sin, is not impotence but the highest power, the great glory of God and His great majesty. Thus he who is able to fall, if he be guarded that he fall not, is aided by such guardianship to live freely ; neither is such sustenance of slavery, but *is* the protectress of virtue. Therefore let the king like everything that is good, but let him not dare evil ; this is the gift of God. They who guard the king, that he sin not when tempted, are themselves the ser-
690 vants of the king, to whom let him be truly grateful, because they free him from being made a slave, because they do not surpass him, by whom he is led. But whoever is truly king is truly free, if he rule himself and his kingdom rightly ; let him know that all things are lawful for him which are fitted for ruling the kingdom, but not for destroying it. It is one thing to rule, which is the duty of a king, another to destroy by resisting the law. Law is so called from binding (*lex a ligando*), which is so perfectly
700 described as *the law* of liberty, as it is freely served.

Let every king understand that he is the servant of God ; let him love that only which is pleasing to Him ; and let him seek His glory in ruling, not his own pride by despising his equals. Let the king, who wishes the kingdom which is put under him to obey him, render his duty to God, otherwise let him truly know that obedience is not due to him, who denies the service by which it is held of God. Again, let him know that the people is not his own but God's, and let him be profitable to it as
710 a help. And he who is for a short time set over the people, is soon closed in marble and laid beneath the earth. Let him make himself among them as one of them ; let him regard David dancing with his handmaids ; would that one like unto king David may succeed, a prudent man and humble who may not wrong his own ; verily *one* who would not hurt the people that was under him, but would spend on them the affection of love,

and would seek the profit of his own salvation ; him the commons would not allow to suffer loss. It is hard to love one who 720 loves not himself, hard not to despise one who despises himself, hard not to resist one who forsakes himself ; it is natural to applaud one who supports himself. It is *the part* of a prince not to crush, but to protect ; it is *the part* of a prince not to oppress, but to earn by numerous benefits the favour of his own, even as Christ by His grace earned the love of all. If the prince has loved, he ought to be loved in return ; if he has reigned rightly, 730 he ought to be honoured ; if the prince has erred, he ought to be called back, *yea* to be denied by those whom he has unjustly burdened, unless he is willing to be corrected ; if he is willing to be improved, he ought at the same time to be raised up and assisted by them. Let a prince hold this rule of reigning, so that he may have no need of not calling his own *subjects* ; ignorant princes, who confound those under them, will perceive that the unconquered refuse to be thus conquered. If the prince shall think that he alone has more of truth, and more of skill, and 740 more knowledge than the commonalty, that he more abounds in grace and more in the gifts of God ; if it be not presumption, may be *so* in truth, then his own true instruction will shine through the hearts of his subjects with light, and will inform his own *people* with moderation.

We put forward Moses, David, Samuel ; each of whom we know was a faithful prince. Who endured many things from their own subjects, yet did not for their deserts cast them off, nor set 750 strangers over them, but ruled through those who were their own *men*. 'I will set thee over a greater people, and will slay this *people*,' says God. 'I would die rather than that this people should perish,' let the kindly Moses, worthy of his office of prince, reply. And thus the wise prince will never reject his own *men*, but the foolish one will disturb the kingdom. Whence if the king be less wise than he ought, what service is he for ruling the 760 kingdom ? Shall he of his own proper understanding seek by whom he may be supported, by whom his own lack may be supplied ? If he alone choose, he will be easily deceived, who has no knowledge who may be useful. Therefore let the community

of the realm take counsel, and let that be decreed which is the opinion of the commonalty, to whom their own laws are most known; nor are all *the men* of the province such fools as not to know better than others their own realm's customs, which those
770 who are before bequeath to those who come after. Those, who are ruled by the laws, have ~~more knowledge~~ of them; those, in whose use they are, become more experienced. And because it is their own affair which is at stake, they will care more and will procure for themselves the means whereby peace is acquired. They can know little who are not experienced, they will profit the kingdom little except they are steadfast. From this it can be gathered that the kind of men, who ought rightly to be chosen for the service of the kingdom, touchès the community; *namely those* who have the will and knowledge and power to be of profit,
780 let such men be made counsellors and coadjutors of the king; *men* to whom the various customs of their country are known; who may feel that they themselves are injured if the kingdom be injured, and guard the kingdom, lest, if harm be done to the whole, the parts may grieve suffering along with *it*; let them rejoice with it when it rejoices, if they be lovers of *it*. Let us put in our midst the noble judgment of king Solomon—she who shuddered not at the cruelty of the division of the child, because
790 she grieved not with *it*, and had not motherly affection, showed, as the king witnessed, that she was not the mother; therefore let the prince choose such *men* as may grieve with the commonalty and have a motherly fear of the kingdom suffering hardship. But if *there be one* whom the ruin of many move not, if he alone obtain the pleas which he wishes, *that man* is not fitted for the rule of many, since he is wholly given to his own order alone. The man of common feeling is agreeable to the com-
800 munity, but the incompassionate *man*, whose heart is hardened, cares not if hard fortune come upon the many; such walls alone are no defence against misfortunes.

If therefore the king has not the knowledge to choose by himself men who know how to counsel him, it is hence clear what ought then to be done; for it concerns the community that wretched *men* be not made guides of the royal dignity, but the

best and chosen men, and the most approved who can be found. For since the governance of the realm is the safety or 810 ruin of all, it matters much whose is the guardianship of the realm; just as it is on the sea, all *things* are confounded if fools are in command¹: if any of the passengers placed in the ship, or if *any* of those belonging to it, misuse the rudder, it matters not if the ship be prosperously governed. Thus let care be given to those who ought to rule the realm, if anyone of the realm does not rule himself rightly, *and* goes in the wrong way, which perchance he has chosen. The affairs of the commonalty are best managed if the realm is directed by the way of truth; and 820 moreover, if the subjects seek to waste their own, those set over them can refrain their folly and rashness, that the power of the realm be not weakened through the insolence or stupidity of the foolish, *and* courage against the realm be given to *its* enemies. For when any member of the body is injured, the body is made of less strength; thus, granted that it may even be lawful for men to misuse their own, although it be harmful to the realm, many will soon follow the injurious liberty *and* so 830 multiply the disgrace of error, as to cause less to the whole. Nor ought that properly to be named liberty which unwisely permits the foolish to have dominion; but let liberty be limited by the bounds of right, and when *those* limits are despised let it be deemed error. Otherwise thou wilt say that the madman is free, although everything prosperous be hateful to him. Therefore the king's pleading concerning his subjects carried whither- 840 soever they will at their own pleasure, is through this sufficiently answered, sufficiently invalidated; while whoever is a subject is ruled by a greater, because we say that it is not lawful for any man *to do* whatever he wishes, but that each man has a lord to correct him in error, help him in well-doing, and raise him up whenever he falls. We give the first place to the commonalty. We say also that law rules the dignity of the king; for we believe that law is a light, without which we infer that the 850 guide goes astray. Law, whereby is ruled the world and the

¹ Or reading 'nau' and 'ignau': 'or just as it is in a ship, if the slothful are in command.'

kingdoms of the world, is described as fiery, because it contains a mystery of deep meaning; it shines, burns, glows; *fire by shining prevents wandering*, it avails against cold, purifies, and reduces to ashes, some hard *things* it softens, and cooks what was raw, takes away numbness, and does many other good *things*. Sacred law supplies like gifts to the king. This wisdom
 860 Solomon asked for; its friendship he sought for with all his might. If the king be without this law, he will go astray; if he hold it not, he will err shamefully. Its presence gives right reigning, and its absence the disturbance of the realm. That law speaks thus: 'By me kings reign, by me is justice shewn to those who make laws.' That stable law shall no king alter, but through it shall he strengthen his changing self. If he conform to this law he shall stand, and if he disagree with it he will
 870 stagger. It is commonly said, 'As the king wills, the law goes'; truth wills otherwise, for the law stands, the king falls. Truth and charity and the zeal of salvation are the integrity of law, the rule of virtue; truth is light, charity warmth, zeal burns: this variety of the law takes away all crime. Whatever the king determines, let it be consonant with these; for if he do otherwise the commons will be rendered sorrowful. The people will be confounded, if either the king's eye lacks truth, or if the prince's
 880 heart lacks charity, or does not always moderately fulfil its zeal with severity; these three being in support, let whatever pleases the king be done, but when they are in opposition, the king is resisting the law. But kicking against the pricks hurts not; thus does the instruction of Paul from heaven teach us. So there will be no disinheritance of the king if provision be made in accordance with just law. For dissimulation will not change the law, the firm reason of which will
 890 stand without end. Whence if anything useful has been long deferred, let it not be reprehended when it is late preferred. And let the king prefer nothing of his own to the common *weal*, as though the safety of all gave way to him *who is but one*¹; for he is not set over *them* to live for himself, but so that this

¹ Or reading 'quia': 'because the safety of all has been assigned to him alone.'

people which is put under him may be secure. Thou wilt know that the name of king is relative ; thou wilt also understand that his name is protective ; whence it was not lawful *for him* to live for himself alone, who ought by living to protect many : 100 he who wishes to live for himself ought not to be in command, but to dwell apart and be as one alone. It is the glory of a prince to save very many ; with trouble to himself to relieve many ; let him not therefore allege his own profit, but his regard for his subjects by whom he is trusted ; if he shall have saved the kingdom, he has done what is *the duty* of a king ; whatever he shall have done otherwise, in that he has failed. From this is the true theory of a king sufficiently plain, that the position of king is unknown to one who is at leisure for his individual interest. For true charity is as it were the contrary of self-interest, and an indissoluble bond to community ; kindling like fire everything that is at hand, as happens in wood which gives increase to the fire, the passive to the active, and decrease when withdrawn in the contrary manner. If therefore the prince, so far as he may, is fervent with charity for the community, he will thus be anxious for it to be rightly ruled, and will 920 never be glad if it suffer loss. Whence if the king loves the magnates of the kingdom, although he alone, like a great seer, knows what may be needful for ruling the kingdom, what may become him, what must be done, he will not conceal that, which he has prudently decreed, from those without whom he will be unable to bring to effect that which he shall ordain ; therefore he will discuss with his own *men* those things which he will not think to do by himself. Why will he not communicate his plans to *those* from whom he will as a suppliant ask for aids ? What- 930 ever allures his *people* to kindness, and makes *them* friends, and fosters unity, it becomes the king's prudence to declare to those who are able to increase his glory. The Lord shewed all *things* to *His* disciples, distinguishing from servants those whom He made friends ; and as though *He were* ignorant, He often asked of *His followers* what they thought, which He assuredly knew. Oh ! if princes would but seek the honour of God, they would 940 rule their realms rightly, and without error. If princes had

knowledge of God, they would show their justice to all *men*. Knowing not the Lord, as it were blinded, they seek the praises of men, delighted with vain *things*. He who knows not how to rule himself, will rule many badly ; if any one is willing to examine the psalms, he will read the same : how Joseph taught himself to teach princes, for which cause the king wished him to be pre-eminent ; and *how* David in the innocence of his heart,
950 and by understanding fed Israel. (From all that has been said above, it will be clear that it is the duty of the magnates of the kingdom¹ to see what things are convenient for the governance of the kingdom², and expedient for the preservation of peace) and that the king have natives at his side, whether as coun-
cillors or as the greater *men* of the realm, not strangers nor favourites who supplant others and the good customs. For
960 such discord is the step-mother of peace, and brings in battles, devises treachery. For just as the envy of the devil brought in death, so does hate divide the court. The king shall keep the natives in their rank, and by this management shall rejoice in ruling. But if he have sought to degrade his own *men*, have overturned *their* rank, it is in vain that he will ask, why when so deranged they do not obey him ; nay, they would be mad if they were to do so.

¹ Or reading 'regem' : 'it is the duty of the magnates to see to the king, what things,' etc.

² Or reading 'regis' : 'of the king.'

NOTES.

1. *Calamus . . . lingua.* Ps. xlv. 2 (Vulg.), 'Lingua mea calamus scribae, velociter scribentis.'

3. *Domine uirtutum.* Ps. xlv. 8, 'Dominus virtutum nobiscum.' A. V., 'The Lord of Hosts is with us.'

9. *Iam respirat anglia, etc.* Cf. 'Song upon the divisions of the Baroys,' ap. Rish. de Bellis, p. 20:

'Honor vobis maximus erit laus et dingna,
Si respiret Anglia, vestra gerens singna;
Quam ut cito liberet a peste malingna,
Adjuvet nunc Domini pietas beningna.'

Wright in *Political Songs*, p. 124, wrongly reads 'respondet' in l. 2.

14-15. *Quarta . . . sollempnitatem.* The feast of S. Pancras is May 12, which in 1264 fell on a Monday, so the date of the battle was Wednesday, May 14. This agrees with l. 19, 'Pridie . . . maij idus,' see also l. 29 and note there. There is no doubt that this is the correct date, and all the best authorities agree. Wykes, p. 149, gives it very exactly, 'pridie Idus Maii, xiv die viz. ejusdem mensis, die Mercurii . . . proxima ante festum Sancti Dunstani' (May 19). The *Waverley Annals*, p. 357, and *Ickham* give 'pridie Idus Maii feria quarta.' The *Winchester and Dunstable Annals* simply 'pridie Idus Maii.' *Westminster*, p. 322, and *Lanercost*, p. 73, 'ii Idus Maii.' The same day is exactly indicated in different ways by the *Chronicles of Lewes* (MS. Cotton. Tib. A. x. f. 170), *Hagheby* (Vesp. B. xi. f. 25 v^o), and *Dover* (Julius D. v. f. 46), as also in the *Liber de Antiquis Legibus*, p. 62. *Oxenedes* (Rolls Ser. p. 222) says 'die martis proxima post festum Sanctorum Nerei et Achillei . . . convenit apud Lewes, uterque exercitus,' etc., but evidently implies that the battle took place next day, which, as this feast was also held May 12, would be Wednesday, May 14. *Hemingburgh*, after stating that the battle took place 'in diluculo diei Mercurii' (i. p. 314), says 'acta sunt haec in mense maio die Sancti Dunstani' (i. p. 318); the latter statement is probably due to a confusion of xiv Kal. Jun., which is S. Dunstan's Day, with May 14. However, the *Battle Chronicle* (Bodleian MS. Rawl. B. 150, partly printed in M. Bémont's *S. de Montfort*), the author of which should have been well informed, has 'in crastino sancti Pancracii,' probably from a misapprehension as to the time spent on the negotiations, see note on l. 257.

B. Cotton, p. 140, has 'iiii Idus Maii'; *Opus Chronicorum*, p. 10 (in *Trokelowe, &c., Rolls Ser.*), 'quarto die Maii 1265'; the *Hales Chronicle* (MS. Cotton. Cleop. D. iii), 'pridie Nonas Maii, feria tertia'; the last two probably having confused 'pridie Idus' and 'pridie Nonas.'

17. *Castroque lewensi*. The castle lies at the north of the town, and was occupied by Edward. The battle commenced with an attack on this position by the Londoners, and at the close of the day the castle was captured by the Barons. *Hemingburgh*, i. p. 318.

23. *Multi ceciderunt*. The number of the slain is variously stated by different authorities. Besides those killed in the battle, many appear to have been drowned in the river or suffocated in the marshes. The *Chronicle of Peter of Ickham* states, 'Numerus vero occisorum in eodem bello, secundum testimonium virorum religiosorum corpora eorum saepelientium, sexcenti; plurimi vero fugiendo interfecti; alii autem in aquis submersi fuerunt; multi etiam vivi fugerunt.' (MS. Bib. Reg. 13. C. vi. f. 63 v^o a; MS. Cotton. Nero. A. ix. f. 72 r^o; MS. Digby, 168, f. 208 r^o.) This is perhaps the most moderate computation. The *Lewes Chronicle* (f. 170 r^o), which should be trustworthy, has 'Quorum numerus mortuorum duo millia et vii cent. plus quam minus numeratur.' So the *Worcester Annals*, p. 452, say, 'Ceciderunt, ut dicitur, eodem die ibidem ex utraque parte duo millia septuaginta viri per manus sepelentium numerati, exceptis submersis, et exceptis ibidem vulneratis, et exceptis his qui per viam versus Londoniam fugerunt pro timore.' One *Chronicle* (Cleop. D. ix. f. 79 v^o), 'fuerunt occisi duo millia et lxx, exceptis his qui occisi fuerunt versus Londoniam, quos dominus Edwardus persequabatur.' The *Waverley Annals*, p. 357, 'Porro numerus erat in bello occisorum fere tria millia fortium virorum, praeter numerositatem prius interfectorum necnon et submersorum.' The *Salisbury Chronicle* (MS. Cott. Cleop. B. iv. f. 94), 'In quo bello caesa sunt plus quam tria millia hominum.' *Chr. Lanercost*, p. 75, has 'tria millia et quadringenti ex utraque parte.' According to the *Dover Chronicle* 3567 were killed on the royalist side alone. The compiler of the *Christchurch Canterbury Polistorie*, who followed the *Dover Chronicle*, says that the party of the barons 'de gent a pie graunt nombre auoit occis.' The *Chronicles of Furness* (MS. Cott. Cleop. A. i. f. 188 v^o b), of *Hales*, and of *Stanley* (Bodl. MS. Digby, 11. f. 186)¹ unite in the following statement: 'Fertur quod in eodem bello occisi sunt ex utraque parte quattuor millia quingenti xliii homines, et multi vulnerati evaserunt.' So *Robert of Gloucester* says—

'Aboute a four þousend . & fif hundred me sede .

Atte bataile were aslawe . þat was a pitos dede .' 11,394-5.

¹ The *Furness* and *Stanley Chronicles* are printed in *Chronicles of Stephen, Henry II, and Richard I*; *Rolls Series*, vol. ii, as a continuation of *William of Newburgh*.

Hemingburgh, Rishanger De Bellis, Westminster, Wykes, and the Winchester Annals, and some others, put the total number 'ex utraque parte' at 5000. This we may perhaps accept as an outside estimate, but the Chronicon Laudunense (MS. Cotton Nero A. iv, it is of the 14th century) has 'x milibus ex parte regis interfectis,' Fabyan and Rastall, 'over 20,000 slain as sayth myn auctours.' No doubt the number of killed was large, but we can scarcely be justified in accepting so high an estimate as 3000. Of men of rank who fell in the battle we only know the names of William de Wilton, who was killed, and Fulk Fitz-Warin, who was drowned, on the royalist side; and of the barons, Ralph Heringaude, and William Blunt, de Montfort's standard-bearer. Westminster, p. 324.

24. *Falsique fugerunt.* The most prominent among the fugitives were John Earl de Warenne, the king's half-brothers William de Valence and Guy de Lusignan, and Hugh Bigod, who fled to Pevensey, thence took ship to France. Wykes, p. 151. According to the Continuator of Gervase (ii. 237) they were accompanied by 200 knights; Rishanger Chr., p. 27, makes the number '300 loricati.' Hemingburgh (i. p. 317), 'et sequebantur eos plusquam septingenti armati electi qui erant de domo et familia eorum.'

23-26. These lines afford a good example of the manner in which the writer has at times made up his poem with tags from the Scriptures. Compare the following texts: Ecclesiasticus xxviii. 22, 'Multi ceciderunt in ore gladii'; 3 Esdras iv. 41, 'Magna est veritas, et praevalet'; Ps. xlv. 8; and Ps. xc. 5, 'scuto circumdabit te veritas ejus.'

29. *Victoris sollempnia sanctaeque corone.* The feast of SS. Victor and Corona was celebrated May 14 (Bolland. Acta Sanctorum, iii. 266). Victor and Corona were a husband and wife who, according to Bede, suffered in Syria in the time of Antoninus; but other authorities put the scene of their martyrdom in Egypt, and fix their festival earlier in the year. S. Jerome, however, gives under May 14, 'In Syria Victoris militis et Coronae.' The Lewes Chronicle (f. 170 r^o) fixes the date of the battle as follows: 'MCCCLXIV. Hoc anno pridie idus maii et in die translationis hugonis abbatis, et sanctorum martirum victoris et corone fuit mortale bellum,' etc.

34. *Fecit mirabilia.* Cf. Ps. xcvii. 1, 'Quia fecit mirabilia.'

36. *In claustro se claudere locis quoque tutis.* After the battle, the king with others of his party took refuge in the priory of S. Pancras at the south of the town. There Edward, on his return from the pursuit of the Londoners, joined him, finding it impossible to renew the fight; so Hemingburgh (i. p. 317), and Rish. de Bellis (Camden Society, p. 34). Other accounts, however, say that the prince took refuge in the church of the Franciscans: so Robert of Gloucester, 11,388-9,

'& to þe frere menors in to toun . sir edward fleu vaste .
& þere as he nede moste . ȝeld him atte laste .'

So also Ann. Waverley, p. 357, state that on the return from the pursuit, 'pluresque milites prioratum intraverunt, arma pro colobiis commutantes. Edwardus etiam intravit ecclesiam Fratrum Minorum, quem sequebatur multitudo suorum.' *Locis tutis* probably refers to Richard of Almaine taking refuge in the mill: see Wright, *Political Songs*, C. S., p. 69, and Chr. Melrose, p. 195.

47. *Apud Northamptoniam dolo prosperati.* Compare Robert of Gloucester, 11,332-3:

'Is ost was gret & suiþe¹ long . he wende to norþhamtone .
& wiþ strengþe nom² þe toun . & somdel³ wiþ treson .'

According to Rishanger de Bellis, (p. 23), the Prior of S. Andrew's at Northampton sent to the king at Oxford to inform him that he had secretly undermined the town wall where it adjoined the priory garden, and had propped it up for the time with timber. So when the royalist army laid siege to Northampton, April 5, whilst part of the besiegers made a feigned assault on the other side, the remainder effected an easy entrance by the Priory. So also Ann. Dunst. (p. 229), 'Muri villae qui circumdant gardinum prioris Sancti Andreae, quos idem prior, ut dicebatur, malitiose quodammodo debilitaverat.' Hemingburgh (i. p. 310) gives a fuller and somewhat different account; he says that the royalists called the defenders to a colloquy on the walls in order to treat for peace, they 'nichil doli suspicantes' assented; meanwhile another portion of the attacking force, under Philip Basset, attacked the wall near the priory and easily made a breach, by which forty horsemen could enter abreast, and so the town was taken. 'Imputatus est etiam dolus ipsis monachis alienigenis, quod introeuntibus introitum praeparabant.' The Continuator of Gervase (ii. p. 234), following the Chronicle of S. Martin's, Dover, gives the following account: 'Rex et dominus Eadwardus filius ejus . . . , praedictam villam obsederunt pridie Nonas Aprilis, et in crastino ipsam ceperunt; quadam proditione tamen habita; quia cum praedictam villam obsedissent, quidam miles de Francia, Johannes de Valentines nomine, de pace inter partes tractabat, interim minatoribus in quodam prioratu Sancti Andreae in suburbio existentibus, qui, ut videretur, murum villae imminere ruinae fecerunt.' S. Andrew's was a Cluniac priory and a cell to S. Marie de la Charité on the Loire; its prior, Guy, and many of the monks seem to have been Frenchmen. Cf. Blaauw's *Barons' War*, p. 126.

48. *Spreuerunt ecclesiam.* Northampton was sacked by the royal army with every circumstance of rapine and sacrilege. Even Wykes, who makes no reference to the treachery, says 'Regii . . . ut cupiditatis suae marsupia satiarent ad plenum, nec locis sacris nec ordinibus deferentes, quicquid in civitate vel in ecclesiis vel extra poterant inveniri, nefariis

¹ very.

² took.

³ somewhat.

ausibus abradentes, suis usibus applicarunt, initia praeliorum suorum inexpiabili naevo sacrilegii maculantes, id ipsum brevissimo interlabente tempore fortuna retrogradienda perdituri, nec immerito, quippe de villa florentissima miserrimam reliquerunt, et bonis omnibus vacuatam' (p. 145). In his narrative of the battle of Lewes Wykes again refers to the defeat as being due to the judgment of God for this sack of Northampton: 'Aemulatores regii, talionem captivationis sed potius depopulationis Northamptoniae, justo Dei iudicio consecuti,' etc., (p. 152).

54. *Multas ecclesias.* I can find no specific mention of any churches which were plundered by the royalists, either before or after the sack of Northampton, with the exception of the instances of Battle and Robertsbridge given below, unless perhaps the attack on S. Swithin's Priory by the citizens of Winchester (May 4, 1264) is to be counted. But no doubt there were many such, for constant depredations were committed by either side on the property of their opponents during these first six months of 1264. A striking passage will be found in Matthew of Westminster, p. 320: 'Ubique autem progrediebatur exercitus regis et Edwardi hinc vel inde, comitabantur eis tres sociae, praedatio, combustio, et occisio. . . . Pax in regno nulla, cedibus incendiis, rapinis et depredationibus omnia exterminabantur.' The following from the *Opus Chronicorum* (Trokelow, etc., R. S., p. 12), although written with reference to 1265, no doubt fairly applies to the previous year: 'Castella per totam Angliam erant, quaeque partes suas defendentia, verum ut verius dicam depredentia; milites castellorum, abducebant ab agris pecora et pecudes, nec ecclesiis nec coemeteriis parcentes, domibus miserrorum rusticarum usque ad stratum expilantes.' See also Oseney, pp. 137-8. Evidently there was not much to choose between the two parties, but our writer characteristically forgets all the misdeeds of his own party. The Londoners were guilty of much violence; not only did they plunder the estates of King Richard at Isleworth, and of William de Valence, but they also destroyed the chapel of S. Cuthbert at Merton, when four rioters were killed by the fall of a beam (Wykes, p. 140). The baronial party were also guilty of ill-treating the Jews, and the plunder of the Jewry was a feature in all their attacks on towns, as at Canterbury (Gervase, ii. 235), and when Earl Ferrers took Worcester (M. West. p. 318); here again the Londoners were conspicuous, and according to the *Liber de Antiquis Legibus* (p. 62) over 500 Jews were killed at London in April 1264. See also Ann. Wint. p. 101. Wykes (p. 143) distinctly charges Simon de Montfort with having exacted a share of the plunder, and if not in London he was certainly close at hand (see Cont. Gervase, ii. 235); but although he was no friend of the Jews, the edicts which he issued in their favour after the war tend to prove his innocence (Foedera, June 11, 1264). On the other hand, he must bear the blame for the sacrilege at Rochester after his capture of that city, on

Good Friday, April 18; compare the description of the pollution of the cathedral quoted from the great Rochester Chronicle (MS. Cott. Nero D. ii) in Halliwell's *Rishanger*, p. 127: 'Equites vero in equis armati circa altaria discursantes quosdam ad illa confugientes nefandis manibus extraxerunt. O luctuosa funestaque dies! in qua nobilis ecclesia Roffensis cum omnibus contentis ea vilium hominum facta fuit praedatio, cum ipsi non plus honoris seu reverentiae, quam vilissimo prostibulo vel tugurio deferebatur. Portae siquidem ejus circumquaque exustae sunt, chorus ejus in luctum et organa ejus in vocem fletium sunt concitata. Quid plura? Loca sacra, utpote oratoria, claustra, capitulum, infirmatorium, et oracula quaeque divina stabula equorum sunt effecta, atque animalium immunditiis spurcitiisque cadaverum ubique sunt repleta.' But if neither side can be held guiltless, the balance is perhaps in favour of the barons; it is at least something to Simon's credit that during his rule he prohibited the plundering of churches or ill-treatment of religious orders on pain of death (see *Opus Chron.* p. 12 and *Rish. Chr.* p. 29).

55-62. *Plundering of Battle and Robertsbridge.* The king stopped at Robertsbridge on his way from Tunbridge to Winchelsea early in May, and probably also at Battle. He was certainly at the latter for a night on his way to Lewes, on May 9 (see p. 152 *infra*). Our only knowledge of his exactions is derived from the *Song*, and the *Battle Chronicle* (Bémont, p. 375). The passage is as follows: 'Transeunte itaque rege cum exercitu copioso per confinium prioratus de Cumbwelle, magister Thomas cocus ejus ante exercitum incautius se promociens a quodam plebeiano conciditur (*sic*). Quo rex cognito perplures de patria super Flamenewelle adunatos, et per praeceptum domini Johannis de la Haye qui tum parti baronum inibi favebat congregatos, quasi agnos in caulis circumceptos innoscenter post traditionem decapitari precepit. Indeque apud Pontem Roberti hospitatus, ac postmodum abbatiam de Bello expetens, solempni processione a fratribus loci exceptus, sed faciem irati pretendens ab abbate centum marcis honoratus est, sed et filius ejus Edwardus quadraginta. Occasionem vero eos gravandi indecunque querentes, dicebant quosdam apud Flamenwelle interemptos de hominibus abbatibus fuisse, et eos illuc ab abbate directos; de primo verum dicentes, sed de secundo multum a veritate aberrantes, quia eo tempore non erat in potestate dominorum suos a talibus revocare.' It is therefore evident that the king's action was not without excuse. There is also no mention here of any levy of money from Robertsbridge, but money may very likely have been taken from both monasteries¹; we know from other sources that the royal army found it difficult to

¹ A similar fine seems to have been exacted at Northampton from the Abbey of Peterborough. Cf. *Chron. Walter de Whittlesey ap. Blaauw's Barons' War*, p. 125.

maintain itself during its march through the Weald (Wykes, 148), and its passage no doubt caused much suffering to the district.

Robertsbridge lies close to the Rother—probably the name was originally Rothersbridge—about five miles north of Battle; the abbey, a small house of the Cistercian Order founded in 1170, was a little to the east, lower down the river.

66. *Suis . . . natis*. Earl Simon's own words in this connection are worth repeating. 'Etsi omnes universaliter a me declinent, ego *cum iv. filiis meis*, pro causa justa quam semel juravi tenere, ad honorem ecclesiae, et utilitatem regni securus astabo, nec bellum subire trepidabo' Rish. de Bellis, p. 17.

75-78. This passage refers to the resistance which the Maccabees, Mathathias, and his sons offered to Antiochus as related in 1 Maccabees ii. *Zelans zelum legis*. Cf. 1 Macc. ii. 58, 'Elias dum zelat zelum legis.' Cf. also the following passage: 'Et sicut Simon Machabeus surrexit pro fratre suo Iuda, ut pro populo Dei et lege paterna certaret ad mortem: sic Simon de Monteforti pro Anglia erexit se; ut pro legibus et libertatibus ejus usque ad mortis perniciem dimicaret.' Hemingb. i. 304.

80. *Facta set examinant probantque veracem*. Compare lines 205-6, 214-18, 227-32. His 'fides ac fidelitas' are the two of the Earl's qualities upon which the writer of the Song especially dwells, and indeed whatever his faults, his possession of these qualities must be regarded as beyond dispute, 'He knew himself to be true, and did not spare words to express his contempt and hatred of a breach of faith.' (Mr. Prothero's *Life of Simon de Montfort*, p. 239.) It was this steadfast truthfulness which above all impressed itself on his contemporaries, cf. Adam Marsh, Ep. xxx. Rolls Series, p. 123: 'Barones comitis Leycestriae magnificam virtutem, fidem intemerabilem, triumphalem strenuitatem, justam intentionem eminenti extollerent praeconio.' And Rish. de Bellis, p. 6: 'Mirandae fidelitatis assecutus beneficium. Constantiam ipsius omnes, etiam adversarii, mirabantur, . . . semel juratus, sicut columpna immobilis, perseveranter stetit.' And *Opus Chronicorum*, p. 17: 'Mons erat immobilis constans et fortis; quapropter juste appellatur "Simon de Monteforti."' See also *Chronica de Mailros*, p. 195, quoted in Introduction, p. xxiii. On Simon's character see further notes to lines 311 and 321 below.

84. *Nequam oculus*. Cf. Ecclesiasticus xiv. 8, 'Nequam est oculus lividi.'

93-5. *Comes paucos habuit armorum expertos*, etc. The Waverley Annals (p. 356) make the baronial forces number 50,000, the royalists 60,000; others make the proportion in favour of the king much larger, so Dunstable, p. 232, 'Rex in quadruplicem plures et majores quam Comes Leicestriae habet.' The Earl's army included 15,000

Londoners who were probably very poor troops—Hemingburgh, i. p. 316; his supporters of the noble and knightly class were mostly young men, as Gilbert de Clare. With the king were the old Earl of Hereford, whose son was with Simon; Roger Mortimer, and the other Marcher lords; the northern lords like Percy, and Scotch nobles like Balliol, Brus, and Comyn, who also held lands in England (Rish. de Bellis, p. 26, and Heming. i. 316); all of these were likely to have had experience of war in border frays. Compare also Worcester Ann. p. 451. With the king were 'lx millia pugnatorum et ad bella discretorum. [Barones] cum civibus Londonienses, xl milia pugnatorum, non tam ad pugnam discretorum.' Wykes, p. 149, 'Rex . . . confidens in multitudinem complicium suorum, et paucitatem partis adversae habens contemptui, aestimans eos adversum ipsum nihil ausuros.' And Lanercost, p. 74, 'Regales vero tam alienigenarum, quam indigenarum copiositate confisi, hos vero tanquam seductores aut scismaticos de terra tollere tentant.' According to the Continuator of Gervase (ii. p. 237), following the Dover Chronicle, f. 46 v°, with the king were 'equites quasi mille quingenti bene equis et armis, ut decet, muniti; ex parte baronum uix fuerunt circiter quingenti.' On the other side Henry had left some of his best troops to garrison Tunbridge, Hemingb. i. 316. The Melrose Chronicle, p. 194, generally so favourable to the Earl, here speaks of the large number of his troops, both foot and horse, together with 'multi balistarii et fundibularii.'

It is of course impossible to accept any of the statements as to the numbers present as an accurate estimate; they may however roughly represent the proportions of the forces on either side.

98. Trecenti. In allusion, of course, to the 300 of Gideon. Jud. vii. 7.

99-100. Contemptibiles. On the over-weening self-confidence of the royalists compare the quotations from Wykes and the Lanercost Chronicle given in the note to lines 93-95. It was also apparent in the carelessness with which their outposts were kept, and the riotous manner in which they spent the previous night. See below notes on lines 152 and 354.

103. Nunc accinctus gladio tener adoleoens. This no doubt alludes to the knighting of Gilbert de Clare, Robert de Vere, Robert Crevequer, and many other young nobles by Earl Simon on the morning of the battle. Cf. Heming. i. 315, Chr. Dover, f. 46, and the Battle Chronicle, p. 370, in Bémont's Montfort. See also Robt. Gloucester, 11,370-1:

Hii houede vnder boskes . & newe knyghtes made .

& armed & atired hom . & her bedes 3erne bade .

Earl Simon had also knighted John Fitz John, Henry Hastings, and others at London on May 4th (Chr. Dover, f. 46 r°).

109. *de sua uirtute Satis gloriantibus.* Cf. Judith vi. 15, 'Domine ostenda, quoniam . . . de sua uirtute gloriantes humilias.'

117. *Et de tribus partibus tertia recessit.* This no doubt refers to the flight of the Londoners, who formed the left wing of the baronial army, and were speedily routed by the impetuous charge of the royalist right under Edward. Earl Simon had divided his forces into three bodies, or counting the portion which he held in reserve under his own immediate command, into four.

123. *Si darem victoriam, dicit deus, multis, etc.* Compare Jud. vii. 2, 'Dixitque Dominus ad Gedeon, "Multus tecum est populus, nec tradetur Madian in manus ejus, ne glorietur contra me Israel, et dicat: 'Meis viribus liberatus sum.'"

132. *Cito corruerunt.* Compare Prov. xxix. 25, 'Cito corrui.'

133. *Cordis exaltacio preparat ruinam.* Compare Prov. xvi. 18, 'Contritionem praecedat superbia; et ante ruinam exaltatur spiritus.' Cf. Ps. cxviii. 111, 'Quia exaltatio cordis mei sunt.' Prov. xviii. 22, 'Antequam conteratur, exaltatur cor hominis.'

139-40. *Lignum . . . suspensus in eo.* For the story of Aman and Mordecai, see Esther, chapters v-vii. Cf. especially vii. 9 and 10, 'En lignum quod paraverat Mardocheo, stat in domo Aman . . . Suspensus est itaque Aman in patibulo quod paraverat Mardocheo.'

143. *Spes uana.* Compare Eccli. xxxiv. 1.

145. *Extrema gaudij luctus occupauit.* Prov. xiv. 13, 'Extrema gaudij luctus occupat.' Compare the quotation in Adam Marsh, Ep. cxlvi.; Monumenta Franciscana R.S. p. 282, 'Ante ruinam exaltatur cor, et extrema gaudij luctus occupat.'

152. *Quod tot fornicarias fetidi lenones, etc.* Compare with this the narrative in the Chronicle of Lanercost, p. 74, which is apparently founded on the information of an eye-witness: 'Comes vero suos vigiliis hortatus insistere, confessione se mundare, communione se munire, et Domino exitum rei committere. Pars vero aduersa negligentius agens, noctem illam choreis et cantilenis occupans, potationibus et scortationibus insistebat, adeo ut coenobio sollempni Sancti Pancratii martyris non parcerent, quin coram altaribus sacris obscena cum meretricibus cubilia foverent.' Many other writers dwell on the different way in which the two armies passed the night before the battle, though without referring to these latter details. See Rish. de Bellis, p. 30.

166. *Accingatur, etc.* Cf. Ps. xlv. 4, 'Accingere gladio tuo super femur tuum.' In the liturgical ceremony of conferring knighthood the bishop girded on the sword with these words, 'Accingere gladio tuo super femur, potentissime.' (M. Léon Gautier, *La Chevalerie*, p. 288-299.) From the continued reference to the ceremonial observances of knighthood it would almost seem as if we had here an intentional allusion to some Ordinal for use on such occasions. See the text of the

service for the 'Benedictio novi ensis' given by M. Gautier (*La Chevalerie*, p. 298). And the less ancient version at the end of the *Ordo Romanus* (often printed, e. g. Hittorp, *Ecclesiae Catholicae de Officiis Divinis*). The Pontifical of Gulielmus Durandus '*De Antiquis ecclesiae ritibus*,' is however the authority for the girding on of the sword by the Bishop, cf. text in Gautier, p. 303, note 1. It is very closely reproduced in the *Pontificale Romanum*, Paris, 1851, vol. ii. p. 566.

169. *Corpus noui militis solet balneari*. This is a very early notice of the use of the bath with an emblematic meaning at the institution of a new knight. M. Gautier considers that in its origin the bath was a purely sanitary and not a ceremonial observance (p. 270), and reiterates his statement when referring to the description which John Monk of Marmoutier, writing about 1180 (*Recueil des Historiens de la France*, xii. p. 521), gives of the knighting of Geoffrey of Anjou by Henry I in 1128, where mention is made of the bath as one of the preliminaries to the ceremony. In the account which John of Salisbury (*Policraticus* VI. x.) gives of the ceremonies observed at the conferring of knighthood there is no mention of the bath. In the *Ordene de Chevalerie*, which is a 13th-century poem describing the knighting of Saladin by Hue de Tabarie, a symbolical meaning is very plainly assigned to this ceremony:

'Lors li commenche à demander
Li soudans, que che senefie?
Hues respont de Tabarie:
Sires, cil bains où vous baingniez,
Si est à chou senefiez,
Tout ensement comme l'enfechons
Nés de pechié ist hors des fons
Quant de baptesme est aportez,
Sire, tout ensement devez
Issir sanz nule vilounie,
Et estre plain de courtoisie
Baignier devez en honesté,
En courtoisie et en bonté.'

Cp. *Hist. Lit. de la France*, xviii. p. 755. See also Gautier, *La Chevalerie*, p. 292.

An occasion at which great ceremony was observed in the conferring of knighthood, was when Edward I knighted his son the Prince of Wales, in 1306. Matthew of Westminster (p. 458) in his description of this ceremony refers to the vigil, but makes no mention of the bath; but in the accounts of the great wardrobe for this year, 'among the robes and other ornaments appointed to be prepared for the young prince, it is stated that there were six ells of cloth delivered out for the covering of his bath.' (*Ashmole, Order of the Garter*, pp. 37, 38.)

Apparently, however, the ceremonial observances were more used in France than in England; but the bath was of course a prominent feature at the first institution of Knights of the Bath by Henry IV in 1399, and in the following century references to the bath as having a symbolical meaning are common. So Caxton in the Game and Play of Chess: 'When the knights been made, they been bayned or bathed. This is the sign they should lead a new life and new manners.'

See Selden, *Titles of Honour* (third edition), Part II, ch. iii. § 24, and ch. v. §§ 34, 35, and 44; Ashmole, *Order of the Garter*, ch. i. § ix; and *La Chevalerie*, par M. Léon Gautier, Paris, 1884. See also Sainte Palaye, *Mémoires sur l'ancienne Chevalerie*, vol. i. pp. 114, 117.

171-2. *Qui de nouo . . . apti bello tales*. The reference is probably to Deut. xx. 7, although the reason is very different: 'Quis est homo, qui despondit uxorem, et non accepit eam: Vadat, et revertatur in domum suam; ne forte moriatur in bello, et alius homo accipiat eam.' Possibly the interpretation comes from Isidore, *Quaestiones in Deut.* cap. xv. (Migne's *Patrologia*, lxxxiii. 366): 'Similiter et ille a tali militia prohibetur, qui uxorem duxerit . . . non enim potest servire divinae militiae servus uxoris, secundum illud apostoli: *Qui cum uxore est, sollicitus est quomodo placeat uxori, et divisus est* (1 Cor. vii). Nec potest inesse quis studio contemplationis, qui adhuc in delectatione defigitur carnis. *Nemo, inquit Apostolus, militans Deo, implicet se negotiis saecularibus, ut ei placeat cui se probavit* (2 Tim. ii).' These *Quaestiones* are also attributed to Bede. Migne xciii. 414.

193. *S. diuina gratia presul cycestrensis*. Stephen Berkstead, whom Wykes (p. 312) describes as an exceedingly simple and innocent man, was elected Bishop of Chichester in 1262. He was a strong partisan of Simon de Montfort, and likely to have been employed on this mission, as he had been at Brackley in March, but he is not mentioned in connection with it except here and in the Dover Chronicle, which says that he was accompanied by some Friar Minors. No doubt Berkstead's mission was to convey the Barons' Letter proposing terms to the King; this was on Monday, May 12. There was a second embassy next day; see below, note to lines 255-6. After the Mise of Lewes, on June 23 1264, Berkstead was appointed one of the three electors (the Earls of Leicester and Gloucester being the others), to nominate the council of nine. He joined with the other baronial bishops in resisting the Papal Legate (Guy Foulquois, afterwards Pope Clement IV), who was acting in conjunction with the exiled royalists. In 1266 he was suspended by Ottobuoni, and ordered to appear at Rome within three months. He was not allowed to return to England till the next reign, and then having offended Edward by bringing Amaury de Montfort with him, the temporalities of his see were for a term forfeited. But he eventually made peace and died Oct. 30, 1287. In the Dover Chronicle

and by the Continuator of Gervase (ii. 214) he is called Stephen of Pageham.

198-205. *Ecclesiastics as mediators.* Compare 'Comes Leicestriae cum suis Deum habens prae oculis et justitiam, eligens mori potius pro veritati, quam juramento praestito contraire, consilio episcoporum et aliorum religiosorum adquiescens,' etc., Dunst. 232. Compare also the following lines down to 242. The bishops had acted as mediators on several occasions, notably in July 1263, when, through the bishops of London, Lincoln, and Lichfield, a temporary arrangement was brought about (Dunst. 223, Cont. Gervase, ii. 223).

In the negotiations at Brackley during March, 1264, the Bishop of Lichfield acted for the King, and the Bishops of London, Winchester, Worcester, and Chichester for the barons. (Cf. *Annales Londinienses* in *Chronicles of Edward I and II* in *Rolls Series*, vol. i. p. 61.) The Bishops of London, Worcester, and Chichester again conduct the negotiations before Lewes, May 12 and 13 (see note on ll. 255-6).

208. *Et quod iurant spernere parum dubitantes.* Out of the twelve representatives of the baronage on the Committee of Twenty-four in 1258, only three—viz. the Bishop of Worcester, Hugh Despenser, and Peter de Montfort—were with Simon de Montfort at Lewes. But Richard de Grey was still on the same side, and was probably in command at Dover Castle, which he had held in the baronial interest in the autumn of 1263, and was still holding after the battle of Lewes. Richard of Gloucester and John FitzGeoffrey had died, the one in 1262, the other in 1258; but their sons, Gilbert of Gloucester and John FitzJohn, were amongst Simon's strongest supporters. Including the Earl of Leicester himself this accounts for seven. Of the remainder the Earl of Hereford, Hugh Bigod, and Roger Mortimer, were with the King: and so also, perhaps, was William Bardolf, who held Nottingham Castle from 1258 to April, 1264, when he surrendered it readily enough to the King (Wykes, p. 146). The twelfth was Roger Bigod, Earl of Norfolk, and he, though not at Lewes, was apparently royalist.

The writer of the Song, when he so earnestly denounces the perjury of his opponents, forgets the more recent fault of a like nature which his own friends were guilty of, in disregarding the Mise of Amiens; for the plea which they advanced, that Louis had decided on matters which were never intended to be submitted to him, is a poor excuse at the best. The barons may have been justified in their action, but it was hardly for them to taunt their opponents.

217. *En Symon obediens spernit dampna rerum.* Cf. 'Quamvis enim primo blanditiis invitatus, postea minis lacesseretur, nunquam se fortunae ludibrio subiceret, sed tanquam mons immobilis persistebat, secundum veram nominis sui interpretationem; quia Simon interpretatur

"obediens." Obedientiam reddidit Deo, votum suum inviolabiliter observans.' Opus Chronicorum, p. 17. S. Jerome in his Liber Nominum Hebraicorum, 'Simeon, exaudito, vel nomen habitaculi.' Migne, xxxiii. 1146. The Greek *Ἐμπνεῖα* printed by Migne give *Συμεών, ὑπακούων*. Isidore, Etym. VII. vii. 8 has 'Simon interpretatur "audito." Sic enim dixit Lia quando peperit eum "Quia exaudivit me Deus."' Cf. Genesis xxix. 33. The idea of our writer or his authority was apparently that Simon or Simeon meant 'hearing,' or 'obeying'; probably however the true interpretation is either 'a hearing' (exaudito) or 'a famous one.'

222. *Spe terreni muneris.* Some had been induced to abandon the baronial side as early as 1259, according to the Tewkesbury Annals, p. 175: 'Instinctu nefario quidam ex nobilibus gratiam domini regis pro lucro terreno, non pro dilectionis affectu cupientes, se a proposito communi magnatum subtraxerunt.' According to the same chronicle many others were won over in 1262 (p. 175), but this would rather seem to refer to the great defection in the autumn of 1263. As to the latter Rishanger says (De Bellis, p. 15): 'Plures nobiles et potentes . . . jam regi et reginae et Edwardo adhaeserant, promissionibus delinitis conversi, et terris amplis sibi promissis et collatis.' And again, after the Mise of Amiens, he says (id. p. 17): 'Ab hoc tempore factus est novissimus peior priore; multi etenim magnates seditionis maculam incurrando, a fidelitate qua comiti Leycestriae tenebantur astricti, spreto juramento, recesserunt; et exercitui regis, non sine donis et amplis promissionibus, se sociaverunt.' First was Henry of Almaine 'accepto honore de Tykehill a domino Edwardo sibi collato.' . . . 'Rogerus de Clifford, Rogerus de Leyburne, Johannes de Vallibus, Hamo le Estrange, et multi tam marchiones quam alii naturales terrae, quorum nomina non teneo, terris redditibus et provisionibus excaecati se subtraxerint.' Other authorities put these conversions somewhat earlier in 1263, as Chr. Dover, f. 40 vº: 'Eodem anno post festum omnium sanctorum venerant ad pacem domini regis et Edwardi, consilium baronum relinquentes, comes Marescallus, comes Warenne, Henricus filius regis Alemannie, dominus Rogerus de Leyburne, Rogerus de Clifford, et multi alii adunantes sibi militis quotquot habere potuerunt; et sic omnes fere magnates Anglie a consilio baronum recesserunt preter comitem Leycestrie et comitem de Ferriers, Gilebertum de Clare, dominum Humfridum de Bohun, Henricum de Hastings et multos alios quos enumerare perlongum est.' The Canterbury Polistorie is somewhat fuller. Cf. Gervase ii. 226, which adds Hugh Bigod, John Giffard and John de Vaux, the second incorrectly, since he fought against the king at Lewes, and did not join the royalist party till the war broke out again in 1265. Wykes (p. 137) gives the whole credit to Edward, 'callidis allectionibus adjunxit sibi dominum Johannem Basset et omnes marchiones, comitem Marescallum, et quamplures de

nobilibus regni.' He also assigns this to the autumn of 1263, which is probably the correct date.

224. Cf. Ps. lxxix. 10, 'Dux itineris fuisti.'

231. *Partibus oxonie firmiter serualet.* The Lanercost Chronicler, p. 67, says that Earl Simon was originally reluctant to take the oath: 'Symon de Monteforti . . . providus futurorum et expertus inconstantiae Anglorum statutis animo annuit, sed sacramento firmare recusavit. Oblatrantibus aliis et rege iram obtendente, comes evectis praecordiis ait: "per brachium Sancti Jacobi licet ultimus et coactus iuramentum praestabo, tamen praefatum nullo refragante inviolabiliter observabo.'" Perhaps he already regarded the oligarchical party in the baronage with suspicion; but Simon's part in the events of the time was no doubt a difficult one, and it is not always quite easy to explain his action. Certainly, however, he does deserve credit for having kept his oath, if not always in the letter, yet in the spirit. Cf. notes on lines 80 and 321.

244. *Fraudis artifex.* This may allude to some one of the king's supporters, if so it is not clear who is meant, and it is more probable that the devil is intended.

255-6. *Optulit quod debuit, etc.* It may be well to recapitulate the different negotiations which had taken place during the year. After the Mise of Amiens the king returned to England Feb. 15, and in the early part of March went to Oxford. On Mar. 13 he appointed the Bishop of Lichfield and Nicholas de Plumpton, archdeacon of Norwich, as his agents to treat with the barons at Brackley¹ in presence of John de Valentines, envoy of Louis IX. On the part of the barons the Bishops of London, Winchester, Worcester, and Chichester were commissioned to accept all the articles of King Louis' award, except the one as to the aliens; 'quod saltem unicum et solum remittat articulum, videlicet quod alienigenis ab Anglia remotis, per indigenas gubernetur, et omnibus statutis, provisionibus et ordinationibus regis Franciae adquiescent².' The negotiations progressed so far that a form was agreed on for the return of Archbishop Boniface³, but perhaps neither party were quite serious, and the rioting of the Londoners gave the king a good excuse for breaking off the negotiations. After the enforced raising of the siege of Rochester in April, the barons again decided to offer terms: 'Interea comite egregio London. moram commitante, et in causa zelo justitiae concepta fideliter desudante, ac sedula frequentatione tractante qualiter incepta felicem sortirentur consummationem, episcopis, clericis, et discretis viris utriusque conditionis, cleri scilicet et populi, crebros habuit tractatus et deliberationes. Tandem habito consilio super praemissis, cunctisque considerantibus jam tempus appropinquare quo partem

¹ Foedera, i. pp. 781 and 784.

² Annales Londonienses, p. 61.

³ Foedera, i. p. 785.

adversam optata circumvenirent, qui in adversione super hoc descenderunt, et decreverunt, ut, oblata domino regi condigna summa pecuniae pro depraedationibus per regnum factis, regi reconciliarentur, salvis statutis Oxon., aut inito certamine campestri experirentur cui sors victoriam conferre videretur. (Rish. de Bellis, p. 27.) The negotiations occupied the two days preceding the battle, viz. May 12 and 13 (see below note on l. 257). The barons commenced by sending a Letter to the King, no doubt by the hands of the Bishop of Chichester. Therein they simply demanded the dismissal of bad advisers, practically repeating the offer made at Brackley. The Dover Chronicle further adds that they demanded that the king should observe the Statutes of Oxford. This was tantamount to requiring the complete surrender of all that the king had gained by the Mise of Amiens, and so far we have no notice of the compensation which in the council at London it had been agreed upon to offer. Wykes (p. 148), however, states that King Richard was offered 50,000 marks to induce him to make peace, and this is no doubt alluded to in Political Songs, p. 69:

‘The kyn of Alemaigne bi mi leauté
Thritti thousand pound askede he
For te make the pees in the countré.’

Rishanger (De Bellis, p. 30) says that £30,000 were offered through the Bishops of London and Worcester ‘pro depraedationibus per regnum factis.’ These statements are probably merely different versions of the same story; Richard had often acted as mediator, and the barons may have thought by an appeal to his cupidity to induce him to do so once more; or it may be that, as Professor Creighton suggests, he demanded the whole sum in compensation for his personal losses. (The offer was probably made in a second mission on the Tuesday; cf. following note.)

This is all the information we possess as to the proposals of the barons, and we may now turn to consider the reasons for their rejection. The writer of the Song makes Edward the chief opponent of peace, and though the words which he puts into his mouth are not confirmed by any other authority, they are not discordant with what we know of the prince’s feelings. So far the war had gone favourably for the king, and his side had the advantage of numbers and experience. Edward was no doubt ready and eager for a decisive action; moreover, he was always keenly alive to the interests of the monarchy, and may have rightly felt that Simon and his party had gone too far for any compromise, which would still leave them a power in the state, to be permanent; we need not therefore wonder that he gave his vote decisively for battle. To this he would also be prompted by his desire to take vengeance on the Londoners for their insult to his mother (De Bellis, p. 32). Edward’s policy was supported, if indeed it was not inspired, by his uncle, King Richard; according to Rishanger (De Bellis, p. 30) the negotiations

would have been successful but for Richard, who was angry at the plunder of his estates: 'Iste quidem . . . dictum comitem et ejus complices diffidavit, necnon ut Edwardus eosdem diffidaret, callide procuravit, ad ultionem in barones totis conatibus insistens.' See also the Letter of Defiance to 'S. de M. F. et G. de Clare, caeterisque universis et singulis perfidiae suae complicitibus' which Richard and Edward signed on behalf of the royalist barons. Nor can we suppose that Henry's other advisers would have been more favourable to a proposal which would have involved their own loss of office, and, in the case of his half-brothers at any rate, banishment from the country. Hume was not altogether without justification in calling the letter 'submissive in the language but exorbitant in the demands'; the proposals of the barons afforded no basis for a permanent peace, and from the royalist point of view the King was no doubt justified in rejecting them.

257. *Crastinus euentus.* Like other of our authorities the writer of the Song is not very clear in his account of the negotiations. If, as there can be little doubt, the Bishop of Chichester's mission was on Monday, May 12, the writer must, if we take his words literally, have here passed on to the events of the following day. The passage in the Dover Chron., f. 46 r, which relates to this mission, is as follows: 'Barones vero . . . mandabant domino regi per episcopum cicestreensem, et quosdam fratres minores, rogantes quod se subtraheret a malo consilio quod habebat, et adhereret consilio baronum et fidelium suorum, statutaque Oxonie teneret et observaret, que prius ut dictum est per cartam suam et sacramentum suum confirmauerat. Hoc idem sibi mandabant ipso die sancti pancracii, et die martis sequenti.' The Bishop's mission would then clearly seem to be fixed for May 12th, and from the tenor of the message here assigned to him he would seem to have been the carrier of the Letter of the Barons to the king, given by many of our authorities. 'Excellentissimo domino suo Henrico, etc., Barones et alii fideles sui, sacramentum et fidelitatem Deo et sibi observare volentes . . . Cum per plurima experimenta liqueat, quod quidem, vobis assistentes, multa de nobis mendacia vestrae dominationi ingesserunt, mala quantum possunt, non solum nobis, sed etiam vobis et toti regno vestro, intendant, noverit excellentia vestra, quod salutem, sanitatemque corporis vestri, totis viribus, et fidelitate vobis debita, volumus observare, inimicos non solum nostros, sed etiam vestros, et totius regni vestri, juxta posse gravare proponentes, illis, si placet, supradictis non credatis. Nos vero fideles vestri semper inveniemur; et nos comes Leycestriae,' etc. (Rish. Chr. pp. 22-3.) The Dover Chronicle, however, dates this letter—which is given with the replies on f. 45—very exactly 'in bosco juxta Lewes die martis proximo post diem Sancti Pancracii,' and most of the other copies are undated. On the other hand, Rishanger

(De Bellis, pp. 27-8), though he ends the letter simply 'Datum apud Flexing,' etc., introduces it by saying 'nudius tertius ante bellum domino regi tale dirigunt mandatum'; so also M. West. p. 321, and the copies in the work ascribed to Ickham, where it is dated 'iv Id. Maij' (MS. Digby, 168, f. 208). The letters of the King, and of Richard and Edward, which are clearly replies, are dated 'xii die Maii' by the Dover Chr., Rishanger, Ickham, and Westminster; no doubt, therefore, all the letters were written on the Monday. Most of our authorities assign the chief share in the negotiations to the Bishops of London and Worcester, without mentioning the Bishop of Chichester, but the two missions were clearly distinct; for Rishanger (De Bellis), after giving the letters, goes on 'Mittuntur insuper pacis mediatores . . . Henricus de Lond. et Walterus de Cantilupa,' etc., and this mission he evidently places on May 13. In support of this we have the statement of the Dunstable Annals, p. 231: 'Ita quod ipsos, apud Lewes cum suo exercitu existentes, primo per milites, secundo et tertio per episcopos, de pace reformanda [comes] allocutus est.' Compare with this Ann. Wint. p. 101, 'iv Idus Maii apud Lewes dominus rex, et Edwardus primogenitus ejus, et Ricardus rex Alemannie . . . dominum S. de Monteforti . . . diffidaverunt, et publicos inimicos eorum promulgaverunt in scriptis. Die sequente praedicti comites homagia sua reddiderunt.' The first words of this latter quotation no doubt allude to the letters which Henry, Richard, and Edward sent in reply to the one delivered by the Bishop of Chichester, and which Rishanger describes as letters of defiance. Despite this defiance the Barons renewed their offer to treat next day, and only when this second attempt failed renounced their homage;—may not the mission of knights mentioned in the Dunstable Annals have been sent for this purpose, being in reality not the first but the last of the three missions? On this view lines 193-247 refer to the Monday, 248-260 to the Tuesday; and if, as suggested in the Introduction, p. xix, our writer was one of the Franciscans who accompanied the Bishop of Chichester on the Monday, we then see why in l. 249 he says *Dicitur*, since he knew what took place on the Tuesday only by hearsay. To assign Edward's violent speech to the second day is agreeable with the words in which the Dover Chronicle continues the passage already quoted: 'Quod totum praedictus rex non solum facere renuit, verum etiam in omnibus contradixit, et eis opprobria multa et minas graves remandavit; nec voluit amplius super hoc nuntios aliquos admittere, sed districte inhibuit, ne aliqui ad ipsum de cetero mitterentur.' (The Dover MS. is so mutilated that I quote from Gervase ii. 236-7.) Cf. also Canterbury Polistorie, f. 214 v^o.

261. *Lapis hic ab hostibus, etc.* Ps. cxvii. 22, 'Lapidem quem reprobaverunt aedificantes, hic factus est in caput anguli.'

265. *Lapis angularis.* Cf. Is. xxviii. 16, 'Dixit dominus Deus,

"Ecce ego mittam . . . lapidem probatum, angularem." Cf. also i Ep. Pet. ii. 6.

269. *Rebelles humiliat, etc.* It is perhaps worth quoting Adam Marsh's summary of Simon's Gascon administration, in which very similar language is used: 'Simon terram Vasconiae ad sublevationem devotorum, ad castigationem rebellium, ad universorum salutarem reformationem, non sine nimis personarum periculis, et profusis pecuniarum sumptibus, et maximarum difficultatum aggressionibus, acerrimarum molestiarum sustinentiis, usque in praesentem gubernavit.' Ep. xxx in Monumenta Franciscana, pp. 124-5.

278. *Optinere brauium violentis datum.* Cf. Matt. xi. 12, 'Regnum caelorum vim patitur, et violenti rapiunt illud.' Brauium = victoriae praemium. Greek *βραβεῖον*. Ducange.

285. *Hinc alienigenas discant aduocare.* Since the question of the Alienigenae was in a sense the turning-point of the whole quarrel¹, and since it was their expulsion which the barons most insisted upon, it will be worth while to trace the growth of this cause of dispute.

The question, if not entirely new, had assumed much greater importance since the loss of the chief portion of the king's continental dominions. In the previous century national sentiment was still unformed, and Norman nobles at all events were no strangers in England, even when they did not hold land on both sides of the Channel. Such complaints as we meet with in the time of Stephen were directed against the employment of foreign mercenaries. Save for one critical occasion in 1173, Henry II was careful to guard against this abuse, and Richard I was in England for so small a portion of his reign that there was little reason for complaint. Under John, however, the evil reappeared in an aggravated form, and the dismissal of the foreign mercenaries was a matter of special enactment in Magna Carta (§ 51). During the first years of Henry III the support of these foreign adventurers—Faukes de Breauté, Peter de Mauley, and others—could not be dispensed with; but Hubert de Burgh, who, foreigner though he was by birth, was completely English at heart, expelled them all so soon as he felt strong enough to venture on the step. Except, however, for their Poitevin birth, these men were not of the same class as those who made themselves so hateful during the next reign; Peter des Roches alone may be regarded as in some measure an exception, and he lived to form a link between the two periods.

The Alienigenae of Henry's reign may be divided into two classes—the foreign clergy, chiefly Italians who obtained benefices in England, and the king's relatives and favourites, whose interference in English politics made them the chief objects of the national dislike. The

¹ 'Dissensio autem . . . initium habuit et finem a retentione alienigenarum.' Chronica de Maillos, p. 192. Cf. Op. Chron. p. 4.

former class owed its growth, if not its origin, to the power which the Popes acquired in England through the surrender of the kingdom by John to Innocent III. That power was much increased during the long minority of Henry III, whose lively gratitude for the debt which he owed to the Holy See and its Legates in return for their support during those critical years, if honourable to his character, was none the less disastrous to his country. In 1226 came the first formal demand from the Pope, that in every cathedral and collegiate church one prebend should be assigned to papal uses, together with a fixed revenue from the estates of the bishoprics and monasteries¹. Though the demand was for the time evaded, the existence of the evil was not prevented. Romans in ever increasing numbers received benefices in England, without any intention of residing there. Where once there had been bountiful clerks, now there were only proctors and farmers, who scraped together all that was of value to send to their employers, who lived in idle luxury abroad². The coming of the Legate Otto in 1237 was regarded with universal detestation by the English clergy³, and, despite the moderation of his own conduct⁴, the many exactions during his four years' stay did much to increase the unpopularity of the Roman officials⁵. The Papal demands were without limit: in 1240 benefices were required for 300 Romans⁶; in 1242 Master Martin, the Pope's Nuncio, suspended the prelates of England from appointing to any benefices until his master had made provision for his friends and kinsmen⁷. When in 1244 Martin made a second visit for a like purpose⁸, the feeling of hostility became so strong that the barons ordered Martin to leave England, whereon in alarm many other Italians followed his example⁹. This was followed in 1245 by a letter of remonstrance to the Pope¹⁰, which extorted from the Council of Lyons some concessions, and amongst them a provision that no Italian should be succeeded by an Italian¹¹. But the evil was not abated, and the breach of this very concession soon gave rise to fresh complaints¹²; whilst in 1252 Grosseteste declared that the Pope's nominees held revenues within the kingdom three times as great as those of the King¹³. Grosseteste was, in the words of Paris, 'the hammer of the Romans'¹⁴, and his death in 1253 deprived the English Church of her strongest defender. If amongst the other troubles which now began to gather, we hear less of the foreign clergy, it is not because they were fewer in

¹ W. Coventry, ii. 275. See Stubbs, Const. Hist. ii. p. 38.

² M. Paris, iii. 390.

³ Id. iii. 395.

⁴ Id. iii. 403.

⁵ Id. iii. 616; iv. 10, 15, 31, 38-42, 84. Otto was in England from Jan. 29, 1237 to Jan. 7, 1241.

⁶ Id. iv. 32.

⁷ Id. iv. 284.

⁸ Id. iv. 368.

⁹ Id. iv. 422.

¹⁰ Id. iv. 441-444.

¹¹ Id. iv. 522.

528.

¹² Cf. an instance given by Paris in v. 178.

¹³ Id. v. 355.

¹⁴ Id. v. 407.

number, or less obnoxious; for when the Barons' War broke out in 1263, they were the chief objects of popular enmity¹, and one result of the activity of the barons was that during three years all Romans were excluded from England, and the payment of any revenues to them prohibited². The hatred which the native clergy felt for the foreign intruders, by whom they were impoverished, naturally inclined them to the constitutional party, and above all to Simon de Montfort, who had been foremost in hostility to the Romans. The clergy were in the fullest sense the leaders of the populace, and their favour gave Earl Simon's government its surest support.

II. In the second class two divisions are to be distinguished; the king's half brothers and foreign favourites forming the first, and the queen's relations and their following the second. The first incursion was the outcome of Henry's expedition to Poitou in 1230. Shortly after his return, Peter des Roches came home from the Crusade, and quickly regained his influence over the King. In 1232, by Peter's advice, Henry dismissed all his natural-born ministers, and appointed Poitevins in their place³. A strong opposition was at once formed under Richard Marshall, and though Bishop Peter succeeded for the moment, Henry at length gave way and dismissed the bishop and his followers (April 1234). For a time the King was content to act under the guidance of Edmund Archbishop of Canterbury, but his marriage in January 1236 was the signal for a fresh influx of foreigners. Soon the alarm was raised that the foreigners were too powerful, and it was asserted that the King had bound himself to act only by the advice of twelve sworn counsellors, with the Queen's uncle, William the Bishop-elect of Valence, at their head⁴. Formal complaint was made in a Parliament held early next year, when a thirtieth was granted conditionally on the dismissal of the foreign advisers⁵. Henry, however, disregarded the condition, with the result that in 1238 he was threatened with armed resistance under the leadership of his brother. But Richard was reluctant to proceed to extremities, and nothing serious was effected⁶. Still the Queen's kinsmen poured in; her uncle Peter of Savoy arrived in 1241 to become Earl of Richmond, and his brother Boniface was made archbishop in the same year. From May 1242 to September 1243 Henry was in Gascony, whence he brought back a fresh train of foreigners, and among them his three half-brothers — William de Valence, whom he presently made Earl of Pembroke; Guy de Lusignan; and Aethelmar, whom he loaded with wealth, and eventually raised to the bishopric of Winchester. The lavish bestowal of revenues, and the guardianship of minors or wardenship of royal castles on these favourites, together with the marriage of the sons and daughters

¹ Rish. de Bellis, pp. 5-10.

² Id. p. 10.

³ Wendover-Paris, iii. 240. Oxenedes, p. 162.

⁴ M. Paris, iii. 362.

⁵ Id. iii. 383.

⁶ Id. iii. 475-9.

of English nobles to low-born foreigners¹, served to raise an ever-growing tide of indignation which the wanton pride and violence of the foreigners did much to swell².

Edward's marriage in 1255 brought a fresh contingent of foreigners. Yet in spite of all no active measures were taken till the general outburst at the Parliament of Oxford in 1258, when a demand that the royal castles should be entrusted to native Englishmen, and that heiresses should not be disparaged by marriage with foreigners, found a foremost place in the petition of the barons³. The King's half-brothers and their friends refused compliance, but after a futile resistance were compelled to disgorge almost all their plunder, and banished from the kingdom (July 1258). Aethelmar, after a vain endeavour to procure his restoration, died at Paris in December 1260⁴; his brothers contrived to return in 1262, and were present at Lewes.

Henry, in his struggle to recover power, depended greatly on the support of the Pope and his brother-in-law King Louis⁵; both he and Edward availed themselves of frequent visits to France to collect a large force of mercenaries. In 1263 the foreigners of all kinds were the special object of popular violence, and when a temporary peace was patched up in July the dismissal of the aliens, and especially of Edward's mercenaries, was the first point insisted on. The Mise of Amiens asserted the King's right to employ any foreigners in his service; the barons thereon declared that they had never intended to submit this point to arbitration, and it furnished the chief excuse for their refusal to accept King Louis' award. The dismissal of the aliens was the chief demand both in the negotiations at Brackley in March, and in those which immediately preceded the Battle of Lewes⁶; and this matter also seems to have been excepted from the proposed arbitration after the battle⁷.

Hatred for the foreign clergy was properly based on the drain which they caused on the national resources, and on the unfair displacement of the native English. With no less justice were the foreign favourites regarded with indignation for their violent proceedings, and with distrust for the character of the advice they were likely to give the King. In the words of the Bishop of Oxford, 'the detestation of the foreigners, which, with the maintenance of the charters, gave tone to the popular politics of the reign, was by no means an irrational outcry. The English believed and had good cause to believe that the men whom the King chiefly loved and trusted were either strangers or actual enemies to

¹ See note on l. 297.

² See esp. Ann. Waverley, p. 350.

³ §§ 4, 5, 6. Select Charters, p. 383.

⁴ See the Letter from the Barons to the Pope in Burton Annals, p. 457.

⁵ M. West. p. 308; Ann. Lond. p. 57.

⁶ See note on ll. 255-6.

⁷ To judge from the documents in the Foedera, i. 797. The Mise of Lewes has not been preserved.

the constitutional rights that had already become so precious. They knew that they evaded English law, that they misused English influence and money abroad, and that at home they engrossed power and used it by illegal means for illegal ends¹.

There was, however, another class against whom the outcry was neither so rational nor so just. This was made up of the foreign merchants. Feeling was especially strong against the Caursines and other foreign bankers, who were the financial agents of papal and royal extortion; so far it was at least excusable; but partly also it was due to commercial jealousy, particularly in London and the Cinque Ports. How far Earl Simon and the other leaders of the party sympathised in this feeling is not clear; but Wykes² directly charges him with encouraging it. No doubt the outburst in 1263, when inability to speak English was considered sufficient excuse for any ill-treatment³, was accompanied by much injustice; but the wrong doings of the most notorious foreigners of all classes had been so flagrant that we cannot wonder if revenge was allowed to go too far.

It will be observed that the points on which the writer of the Song specially dwells are: (1) That the foreigners endeavour to enrich themselves and their countrymen (l. 288). (2) That they strive to increase their own power, making themselves equal with the 'principales regni' (ll. 290-294). (3) That they are enriched with escheats and wardships to the loss of the natural-born subjects, and detriment of the King's true interest (ll. 297-304). (4) That they turn away the King's heart from his subjects (l. 307). It was therefore the foreign favourites whom the writer especially detested, whilst from ll. 314-315 he appears to have looked with favour on proper commercial intercourse. The subject is resumed in ll. 547-582, where complaint is made of the deceitful advice which his evil counsellors give the King, and of their endeavour to subvert the laws, and pervert justice.

Among the most important passages in other writers of the time is the long letter from the Nuncio to the Pope in 1263 (Ann. Burt. pp. 461-466), from which comes the following striking passage: 'Nam cum teste philosopho princeps totum se Deo, plurimum suae patriae, multum parentibus debeat et propinquis, mimis extraneis nonnullum, principem nostrum sapientibus et insipientibus, pusillis et majoribus debitorem, quidam regis fratres, privatum commodum utilitati publicae praeferentes, ita sibi singulariter vendicarunt, quod ipsum usibus rei-publicae totaliter subtraxerunt, licet princeps non suus esse debeat, sed potius subditorum; nam cum secundum leges et iura regni sui deberet

¹ Const. Hist. ii. p. 52. § 174. Cf. lines 547-582.

² p. 157. Cf. notes on ll. 311 and 315.

³ Cf. Annales Londinienses, p. 59.

gubernacula moderari, sibi dampnabiliter susurrabant, legibus principem non esse subjectum, quantum in se fuit, ipsum regem facientes exlegem, et sic, *libello recepto repudii*, ipsa justitia extra ipsius regni terminos exulabat; nam justum impius devorabat, rusticum curiaster, innocentem exactor, simplicem fraudulentus; et tamen haec omnia remanebant penitus impunita. Rursus, cum procurasse deberent regem in divitiis copiosum, et locupletes habere subjectos, ipsi tanquam *filiis sanguisugae* clamabant continue *Affer, Affer*, et ad modum locustarum istis recedentibus, alii succedebant, quod ex parte fuerat devoratum, exitialiter consumentes, ut impleretur in eis illud propheticum, "*Residuum erucae comedit locusta, et residuum locustae comedit brucus, residuum bruci comedit aerugo.*" Subditos quoque multipliciter opprimentes, divitias congregabant de paupertate aliorum, sibi delicias statuantes in calamitate multorum. Et quid ultra? Quasi in necem principis conjurassent, solium subverterant regiae majestatis, justitiam denegando subditis, divitias principi subtrahendo, principi devotionem populi auferendo, quem ipsi magis debuerant facere amari a subditis quam timeri.

This is well worth careful comparison with the Song; see especially lines 300-307, and 559-581. Cf. also *Opus Chronicorum*, p. 4: 'Rex toto tempore suo haberetur maxime erga alienos largissimus; qui quidem alieni, ut dominus Will. de Valentia cum sibi consimilibus, leges Anglicanas nitebatur pervertere, et legibus patriae suae consimiles fieri.' Cf. *Ann. Waverley*, p. 350, quoted in *Stubbs' Const. Hist.* ii. p. 74. On the expulsion of the aliens see especially *Rish. de Bellis*, pp. 5-10.

An 'Ordinatio pro pace regni' made in a Parliament at London in June, 1264, has appended to it the following sections with regard to aliens.

'Ordinatum est quod praedicti tres electores et consilarii, de quibus fit mentio in praedicta ordinatione, Lond. et castrorum custodes, et caeteri ballivi Domini Regis semper sint indigenae.

'Alienigenae vero pacifice veniant, morentur, et redeant.

'Et tam laici in suis possessionibus quam clerici in suis beneficiis residere volentes; mercatores etiam et alii omnes pro suis negotiis procurandis, libere veniant, et pacifice comorentur; dum tamen pacifice, sine armis et suspecta multitudine veniant; et quod nullus eorum ad aliquod officium vel balliviam in regno, vel hospitio Domini Regis aliquatenus assumatur.' *Foedera* (ed. 1704), i. 794.

The theory of Earl Simon's government seems to have been more liberal than its practice. Cf. note on l. 315.

297. *Eschetis et gardiis suos honorare.* The misuse of escheats and the wardship of minors for the purpose of enriching foreigners had long been matter of complaint. Among the former we may cite the bestowal of the earldom of Richmond on Peter of Savoy in 1241, and of

the earldom of Pembroke on William de Valence in 1247. Complaint was also made that despite many escheats the King's treasury had not benefited as it ought in 1238 (M. Paris, iii. p. 477) and again in 1242 (Id. iv. 183). This may have been due to waste or lavish expenditure, or to imprudent grants to favourites. The grant of wardships to foreigners was also a matter of frequent complaint, e. g. in 1234 (Paris, iii. 270) and in 1248 (Id. v. 6). So Peter des Roches was guardian to John de Braose in 1232; Peter of Savoy was the recipient of many wardships, as for instance of the Earl of Warenne in 1241, John Giffard in 1248, and of Robert de Ferrers, the young Earl of Derby, in 1257 (see Pat. Rolls): it is worthy of remark that these last two wards were later on amongst the most active of the opponents of the Court. The Queen also derived profit from similar sources; she shared the wardship of John Giffard with her uncle, and the wardships of William de Cantilupe, and the young heir of Salisbury, which had been bestowed on her, she granted away to her steward, William of Tarente (Tarrant in Dorset), 'who fastened on plunder as a leech does on blood' (M. Paris, v. 612, 621). William de Valence was guardian of William de Munchensi in 1255, whose father is said to have left over 200,000 marks, and to whose sister Joan he was himself married (Id. v. 504). These are only a few instances out of many. Another evil closely connected with the latter, was the disparagement of heirs or heiresses by marriage with foreigners, of which special complaint was made in the Petition of the Barons, § 6 (Select Charters, p. 383). In 1247 Peter of Savoy is said to have brought back with him from the continent a bevy of young ladies to be married in England (Paris, iv. 598, 628). The Earls of Lincoln, Kent, Devon, Gloucester, and Warenne were all in this manner wedded to foreign countesses whilst they themselves were young. Similarly Matilda, heiress of the de Lacys, was married in 1240 to Peter de Geneve, a Poitevin favourite of low birth, and on his death in 1249 to another Poitevin, Geoffrey de Genville (Id. v. 91).

Here also it would be easy to add to the list, but these are sufficient for the purpose of example.

311. *Huic malo studuit comes obulare.* Earl Simon certainly took the lead in the opposition to the aliens during the Barons' War, and it is to his influence that their expulsion is especially ascribed. (Cf. Rish. de Bellis, p. 10.) No doubt Simon was in this matter thoroughly at one with the English-born nobles; he was in particular hostile to the King's half-brothers; with William de Valence at all events he had private grounds for enmity (M. Paris, v. 634, 677, 697). At the same time it is to be remembered that he was by birth one of the *Alienigenae* himself, and this was never forgotten by his opponents among the baronage. See *Opus Chronicorum*, p. 15, where the barons who were angry

at the prohibition of the Dunstable tournament in 1265 are represented as saying, 'Manifeste ridiculosum est, quod hic alienigena totius regni dominium sibi praesumit subjugare.' Even the Melrose Chronicler calls him 'alienigenarum inimicus et expulsor, quamvis ipse natione unus esset ex illis' (p. 195). That Simon was never recognised as fully an Englishman is further shown by his surrender of his castles of Kenilworth and Odiham, in accordance with the Provisions of Oxford. It is, however, certain that the friend of Grosseteste and enemy of William de Valence would be no supporter of these classes of foreigners, who were most hateful to the people. On the other hand, the Tewkesbury Annals (p. 180), charge him with retaining some aliens in his service whilst dismissing others, and similarly in the Waverley Annals (p. 358), he is charged with garrisoning castles with foreign knights, and Gilbert de Clare is said to have called him to account.

315. *Veniant extranei cito recessuri, etc.* We may be justified in taking this passage as showing that the writer of the Song was not blind to the advantages of intercourse with other nations, and did not wish for any interference with the foreign merchants. Herein he was perhaps in advance of his leader. Cf. Wykes, p. 158: 'Et ut comes aures plebeias frivolis demulceret oblectamentis, condixerat et per regnum divulgari fecerat, quod sine comite extraneorum possent indigenae bonis propriis commode sustentari, quod tamen fuit impossibile . . . unde plurimi volentes comitem complacere, ne viderentur aliunde necessaria sibi mendicare, pannos candidos induebant, dedigantes pannos induere coloratos.' But see the quotation from the *Foedera* in note to line 285, which shows that Simon's policy was that of the writer of the Song.

321. *Commodum si proprium comitem monisset, etc.* In the following lines the writer is plainly replying to the accusations which Earl Simon's opponents brought against him, namely, (1) that he acted out of regard for his own interest; (2) that he desired to obtain power for himself; (3) that he sought the promotion and enrichment of his own sons and friends. These or similar charges can all be found in the writers of the time. The following are some of the most important passages:

'Caveat dominus Symon de Monteforti, quia dicitur, quod alios etiam alienigenas persecuturus eiciendo, alios infra protegendo; qua etiam fronte potuit idem Symon terras domini Johannis Mansel suo proprio filio conferre, et hujusmodi facere similia, quae pro certo paterentur recidivam? Non enim sui aut suorum vacare deberet spoliis aut lucris, si pro communi bono laboraret.' Ann. Tewkesbury, p. 180. From the important and curious letter which closes these annals. It is however to be borne in mind that the writer had been a supporter of Richard of Gloucester. The grant of Mansel's lands is in Rot. Pat. 47 Hen. III.

The next two passages are from Wykes, and must of course be accepted with caution. The plunder of the Jews in 1264: 'Inter ipsos impietatis auctores praecipuus extitit Johannes filius Johannis, qui famosissimum civitatis Judaeum Kok filium Abraham propriis manibus interfecit, opesque ipsius, in quibus omnes Judaeos Angliae videbatur excedere, thesaurio proprio applicabat; de quibus postea comiti Leycestriae, licet invitus, non modicum tribuit portionem, ut neuter eorum a scelere rapinae et homicidii fuit immunis.' pp. 142-3. The division of the spoils after Lewes: 'Castra, civitates et oppida totius regni, terras et praedia captivorum suo prorsus dominio subjugavit, coadjutoribus suis . . . exilissimas dividens partes; quod et postea sibi cessit in damnum. Salve comes faustis successibus animatus, evectus in sublime, supra modum glorians in virtute sua sibi et filiis suis, quos tenerrime debebat, adeo ut zelo promotionis eorum, tam inauditos ausus assumere non erubesceret; terras captivorum et dominicorum domini regis divisit tanquam in funiculo distributionis, et exceptis terris domini regis Alemanniae quas tenebat, xviii baronias propriis usibus applicabat, et sicut tutor pupillum ducere consuevit, sic regem per omnes regni provincias ignobiliter circumduxit.' p. 153.

On the grants to the young Montforts after Lewes: 'Idem castrum (Dovorie) de voluntate comitis Leycestrie domino Henrico de Monteforti comitis primogenito committitur, rege Alemannie apud Wallingeford directo et custodie comitis ejusdem sororis tradito. Cornubia una cum Devoniam cum castris et redditibus regis Alemannie tutele domini Gwidonis de Monteforti commendantur, terris, redditibus, et castris comitis Warenne ad dominum Symonem juniorem de Monteforti in Sussexia devolutis.' *Battle Chron.* ap. Bémont, p. 377.

The following quotation illustrates Simon's use of his power, the more remarkably because it is from his partisan Rishanger:

'Comes . . . a rege nunquam se absentavit, nec aliquod magnum sine illo in regno agebatur, et omnia per ipsum ordinata sunt. Sed nec rex, qui regnando quinquagenarius erat, ubi pro umbra regis habebatur, adeo literam suam perlustrare vel peragere, nisi in conductu alterius et dispositione. Paulo post, habito consilio London. super pace regni, in lx^o, absolvetur a custodia comitis dominus Edwardus, qui tenebatur obses, nichil cum sui juris fuit, quin potius tractaretur adhuc voluntate comitis et filiorum suorum, quod Edwardus dissimulans procepere [pro tempore], eo quod opportunitatem expectabat evadendi.

'Anno gratiae M.cc.lxv., ortis simultatibus conversus inter comitem Leyc. et comitem Glov. Perturbationis causa principalis omnium dicitur extitisse, quod comes Leyc. regem tenuit in custodia, ipsum pro voluntate sua ducens per regnum, omnia castra, civitates, terras, et possessiones captivorum suae dominationi mancipando, propriis custodibus in quibus magis confidebat introductis. Quod utique dicitur fecisse eo

quod presciebat multos nobiles et potentes a proposito suo resilire.' De Bellis, pp. 41-2. Rishanger goes on to say that this action was to secure the observance of the provisions, but that the envious, by asserting that it was 'ad destructionem regni non ad aedificationem,' stirred up Gloucester to oppose Earl Simon. See also on this subject Lib. de Ant. Leg., p. 76.

As a further illustration of Simon's high-handed rule, we may take the following :

'Hoc anno per assensum et consensum quorundam Magnatum Anglie, scilicet, Comitis Leicestrie et filiorum suorum, homines de Quinque Portubus navigaverunt per mare in caleis et aliis navibus, depredantes omnes quos invenerunt venientes in Angliam seu exeuntes, et homines crudeliter ejecerunt in mare, nulli parcentes, tam Anglicos, quam Alienigenas. De tota vero depredatione dictus comes Leicestrie et filii sui perceperunt, ut dicebatur, tertiam partem.' Liber de Antiquis Legibus, p. 73. Cf. Wykes, p. 157, quoted above, in note on l. 315.

We may now turn to consider the accusations from a general point of view. Firstly, therefore, as to the charge that he acted out of regard for his own personal interest. There are certain incidents in de Montfort's career which undoubtedly lend colour to this accusation. To begin, we have his early desire for a great alliance, which after two unsuccessful suits to Matilda, Countess of Boulogne, and Joan, Countess of Flanders, he consummated by his marriage with the sister of the King of England. Then we have his opposition to the Peace with France in 1259, from the hope, so it was said, that Normandy would eventually pass with England to his own children (Wykes, p. 123), and we also know that he received compensation for the surrender of these claims (Rot. Pat. 43 H. III). The exact history of the negotiations as to Normandy is very obscure, but it is by no means impossible that Simon may have made use of his claims on the King in order to further other projects. The charges that he exacted a share of the spoil of the Jews in 1264 (Wykes, p. 143), and of a share in the spoils after Lewes (see above), are perhaps explicable on the ground that he regarded the financial needs of his government as sufficient justification. As to the charge that he appropriated to himself eighteen baronies after Lewes, this is probably due to his temporary assumption of the estates of King Richard (who held eighteen baronies). The seizure of a tenement in Sprowton which had been in the occupation of Norwieh (Cal. Gen. i. 121) is not so easily explained. (Professor Pearson, note in Blaauw's Barons' War, p. 251.) Similarly (March 31, 1265) Edward was compelled to transfer Cheshire with three castles to Simon de Montfort, receiving in exchange an indemnity from de Montfort's Leicestershire estates (Foedera, i. 807). These latter transactions may perhaps be excused by reasons of state; Richard could not safely be left in posses-

sion of his great property, nor was it advisable that Edward should retain Cheshire, where he would be close to his friends the Marcher Lords. This head of the accusation is thus for the most part capable of explanations which at any rate remove the charge of personal avarice¹; but the exculpation is not complete; Simon's early life is that of an adventurer, and he does not lose a keen perception of his own interests later on; his claims on Normandy are made the most of, and the whole crisis of the Barons' War is strangely complicated by the personal quarrel of the Earl and King, which quarrel was chiefly in regard to money matters. It is, however, due to the Earl to remember that he had spent the revenues of his earldom freely whilst serving the King in Gascony.

Secondly, Is Simon to be held guilty of personal ambition? That he was a man of strong and masterful character, and that confident of his own capacity he took pleasure in the possession of power must at once be admitted. But herein there is nothing to his discredit: it is given to few to be a Washington, and it may well be urged that to secure his own authority was a prerequisite to the execution of the programme of the constitutional party (cf. Rish. de Bellis, p. 42). Hume asserted that he aspired to secure the throne for himself: this we have no reason to allege; if the government from May 1264 to Aug. 1265 was in reality Simon's, in name it was Henry's, and every *appearance* of respect for the king was maintained. More to the point is the statement that in 1260 there was a proposal to displace Henry by his son. Edward was then friendly with the Earl, who may possibly have contemplated such a change as a means to secure the execution of his designs. If, however, we have no reason to suppose that Simon consciously aimed at the throne, we know that he had contemplated the possibility of his children inheriting it, and we cannot tell to what he might have been led on had the result of Evesham been different. As to his administration after Lewes, we know from the manner in which he governed Gascony, that he is likely to have carried matters with a high hand, but no doubt Rishanger's explanation of his conduct as due to distrust of the barons is in part at least correct. The exchange of estates with Edward might from one point of view be regarded as the most serious step towards personal aggrandisement; not only was Edward thus cut off from his friends the Marcher Lords, but Simon himself secured a position in close proximity to his ally Llewellyn. The Earl's action with regard to the estates and castles of the royalists may have been politic, and forced on him by the circumstances of the time, but of necessity it lays him open

¹ In this connection the following statement of Rishanger deserves to be quoted: '*Eratque deprecatio ipsius assidua, ut ab avaritia et cupiditate terrenorum rerum divina gratia ipsum servaret immaculatum.*' De Bellis, p. 7.

to the charge of self-aggrandisement, and had he ever come to aspire to the crown, would naturally have appeared the first step in that direction. Indubitable though Simon's ambition may have been, it is to be remembered that he was no vulgar seeker for a great position, witness his refusal, firstly of the crown of Jerusalem, and afterwards of the kingdom of France.

Finally, we have the charge that the Earl was too eager for the advancement of his friends and sons. It is said that there is extant only one grant to any of his sons, viz. that of Mansel's estates alluded to above. On the other hand, he no doubt kept all authority in the hands of members of his own family and his few intimate friends in the baronage, such as Hugh Despenser and Peter de Montfort. No doubt also the young de Montforts received a large share of the profit which might arise from the wardenship of the castles and estates of royalist owners; and here, as before, it is only natural that adverse comments should have been made. Moreover, though we cannot certainly say that the Earl unduly favoured his sons, we know that he was an indulgent father, and he does not appear to have preserved his control over them. There is much reason to suppose that the pride and violence of the young de Montforts was a chief cause of their father's fall, certainly their conduct gave colour to the accusations against him. The complaints against the sons are of frequent occurrence, and the later careers of Guy and Simon tend to confirm them. The story that Henry de Montfort collected all the wool and turned it to his own use should also be noticed (Wykes, pp. 158, 159). It was their conduct which alienated Gloucester, 'Filii autem comitis, . . . scilicet Henricus, Simon, Guido et Emericus in superbiam erecti fecerunt multa mala quae displicuerunt comiti Gloucestriae.' Hemingb. i. 319. 'Comes Glovernie videns filios comitis in immensum efferri, invidet,' etc. Battle Chr. ap. Bémont, p. 378. See further the words which Simon is said to have addressed to his son at Evesham, 'Non despero, fili, sed praesumptio tua, et superbia fratrum tuorum, me ad hunc finem quem vides perduxerunt.' Hemingb. i. 324.

If from all that has been said it is evident that Simon de Montfort was not a man of whom we can predicate absolute purity of motive, yet it may be confidently asserted that amongst his contemporaries he is fully entitled to the first place. In his own time and country there was no layman who strove so honestly and stedfastly to maintain the cause which he had adopted. His faults and failings granted, there still remain in his character many of the elements of true greatness. He inspired his friends with devotion and his foes with dread, and this is in itself no small testimony to the reality of his worth.

347. *Ysaac non moritur, etc.* Cf. Genesis xxii.

351. *Horum si uocaueris locumque conflictus, etc.* The writer's desire to give all the glory to heaven, and represent Simon and his

followers as the victorious soldiers of truth, rather leads him astray. Earl Simon certainly showed his generalship at Lewes; Mr. Prothero says, 'His plans were laid with a care and foresight, and executed with a combination of resource and decision, which would be sufficient, even if we knew nothing more of his military prowess, to support his reputation as the first general of his day.' *Life*, p. 273. In nothing was his skill more shown than in the choice both of the time and place of the conflict. By an early march he secured a good position on the rising ground outside the walls of the town, and precipitated an engagement before the royalist party was fully prepared. Even if we do not suppose that Simon had resort to any ruse, as that he posted the car, in which were certain London citizens, whom he was keeping captive, with the hope of deceiving the royalist army into attacking an unimportant position (Wykes, p. 150), there is sufficient to show that Simon did not trust merely to providence. Other and better informed writers were well aware of this, and so the *Battle Chronicler* says, '*Montem ascendens ejus summitatem cum toto suo exercitu occupavit, spem certam victoriae de loci commoditate premeditans*,' ap. Bémont, p. 376. So also Rishanger (*De Bellis*, p. 32) who expressly calls attention to the direction of the main attack on the King; de Montfort clearly lost no time in availing himself of Edward's mistaken pursuit.

354. Non de nocte subito surripit latenter,

'Some radde þat hii ssolde . wende in at on hepe .
To habbe inome hom vn armed . & some abedde aslepe,
þe godemen sede þat hii nolde . suich vileinie do non .'

Robert of Gloucester, 11,365-7.

So also Ann. Waverley, p. 357: '*Illos in lectis cepissent, nisi quorundam urbanitate impediuntur. Dicebant enim; "Hic eos exspectemus, et spatium surgendi eis praestemus; nam si dormientes invaderemus, nobis improperium faceremus."*'

The fact seems to have been that de Montfort did intend a surprise, and leaving Fletching before sunrise marched to the hill which overlooks the town of Lewes on the west, and there surprised a solitary watchman. During the march he had encountered some foragers of the royalist army, some of whom escaped and carried the alarm to the town, where they found the King's troops still in bed. '*Quidam de regis excubantes, notatis vexillis regem et totum exercitum in lectulis dormientem excitabant. At illi stupefacti concito surgentes, prout melius poterant, armis se bellicis muniebant*,' etc. Wykes, pp. 149-150. '*Per castra expergefatti quantocius in colligunt*.' Chr. Roff. MS. Nero. D. ii. See also Oxenedes' Chronicle, p. 221; Hemingburgh, pp. 314-5; Rish. de Bellis, p. 32; Trivet, p. 259; and the curious statement in the *Annales Londonienses*, p. 64: '*Quidam fugientes de*

exercitu regis, de quorum numero fuerunt Johannes Comes Warennie, et Hugo Bigot qui ad castrum Petri de Sabaudia, scilicet de Pevenesheia, lores suas direxerunt; ibique ultra mare occulte transvecta Dominum Regem Francie petierunt, nuntiantes eidem, Regem Anglie in lecto apud Lewes dormientem non praemunitum, non armatum, a suis baronibus captum esse atque confusum.'

358. *Esse dei munus.* The ascription of the victory to divine help is found in its strongest form in the Chronicle of S. Martin, Dover, f. 46 v°, whence it was borrowed by the Continuator of Gervase, and the Canterbury Polistorie. The Dover Chronicle is unfortunately very much mutilated, but enough can be read to see that the story in the Continuator is practically a transcript: 'Sed haec non factio humano sed laudi divinae debet ascribi. Erant enim in exercitu illo aliqui videntes manifeste militem unum ignotum, armis armatum et vexillum ante se habentem ignotissimum, et alium archiepiscopum pontificalibus indutum exercitum baronum benedicentem; et subito bello peracto disparuerunt. Hoc ascribunt beato Thomae martyri et beato Georgio. Quidam etiam puer, in partibus Cantuariæ agens, in somnis viderat beatum Thomam de suo feretro surgentem, cui dixit puer: "Quid facis, beate Thoma, qualiter modo surgis? Credebam te mortuum fuisse." Cui beatus Thomas: "Non fui," inquit, "mortuus, sed quievi in pace; sed jam necesse habeo surgere et pugnare pro patria mea Angliæ." Erant etiam in exercitu regis milites aliqui qui cum in bello venirent, vix suos adversarios videre potuerunt, et gladios suos in manibus sustinere. Hoc ipsi ore proprio confitebantur; quorum unus erat Henricus de Perci, unus de majoribus terræ; unde instinctu divino omnia praedicta creduntur fuisse consummata.' Cont. Gervase, ii. 237-238. This passage is further remarkable as containing what is, I believe, the earliest allusion of such a kind to S. George in England. Selden in 'Titles of Honour' (third edition, p. 672) says: 'I have not observed any warrantable story either of invocation of his name, or other peculiar honour done to him by the English as drawing him to their part, before Edward the Third.' The expression 'vexillum ignotissimum,' however, shows that the red cross of S. George was not yet recognised as a national emblem.

360. *Que torneamenti laudat exercitium.* This almost looks like a taunt at the claim which had been advanced that military sports were the exclusive privilege of the knightly class. In 1253 the city of London was heavily fined because some young citizens had beaten a party of courtiers who interrupted them when playing at Quintain. 'Tirones de familia regis . . . super hoc indignantes, conviciabantur eisdem, vocantesque rusticos furfureos ipsos et saponarios.' M. Paris, v. 367.

365. *Vt confundet fortia promouet infirmos.* Cf. 1 Cor. i. 27, 'Infirma mundi elegit Deus, ut confundat fortia.'

368. *In deum ponere spem.* Cf. Ps. lxxvii. 7, 'Ut ponant in Deo spem suam.'

383. *Benedictus dominus, etc.* Cf. Ps. xciii. 1, 'Deus ultionum dominus.' Cf. also Ps. xl. 14.

384. *Qui in celis eminens sedet super thronum.* Cf. Ps. ix. 5, 'Sedisti super thronum,' and Ps. cii. 19, 'Dominus in caelo paravit sedem suam.' Eccli. i. 8, 'Sedens super thronum et dominans deus.' Apoc. vii. 10, 'Salus deo nostro, qui sedet super thronum.'

387. *Duos reges subdidit et heredes regum.* That is Henry of England, and Richard of Almaine, with their sons Edward and Henry. Cf. Political Song from MS. Otho D. viii. in notes to Rishanger, de Bellis, p. 140, l. 8, 'Namque duos reges cupientes vertere leges Anglorum vicit.'

392. *Filijs superbie.* Cf. 1 Maccabees ii. 47, 'Et persecuti sunt filios superbiae.'

395. *Arcus namque forcium, etc.* Cf. 1 Reg. ii. 4, 'Arcus fortium superatus est, et infirmi accincti sunt robore.'

401. *Ne victorum animus manus osculetur.* Cf. Eccli. xxix. 5, 'Donec accipiant osculantur manus dantis.'

404. *Qui letatus fuerit in deo letetur.* Cf. 1 Cor. i. 31, 'Qui gloriatur, in domino gloriatur.'

413. *Hec angli de prelio legite lewensi, | Cuius patrocinio vivitis defensi.* These two lines conclusively show that the Song was written whilst de Montfort was still at the height of his power, and probably in 1264, before dissension had arisen in the baronial party.

418. *Leopardus.* The comparison is of course suggested by the leopards in the royal arms. It is very commonly used in reference to Edward. Cf. Political Song in notes to Rishanger, p. 140, l. 26 :

'Fugerat Edwardus custodes ut leopardus,'

and Wright's Political Songs, p. 128, l. 5 :

'Belliger ut pardus, fragrans dulcedine nardus.'

420-2. *Leo . . . nullius occursum timens.* Cf. Prov. xxx. 30, 'Leo fortissimus belluarum ad nullius pavebit occursum.' A quotation which is referred to in the *Liber de Bestiis*, ascribed to Hugh de S. Victor, II. i. (Migne, clxxvii. The first two books are by Hugh Foliot). This work is the basis of many mediaeval bestiaries, e. g. of two well-known ones in the Library of S. John's College, Oxford, MSS. 136 and 178. Possibly it is also the source from which our author obtained the quotation. Cf. below note to l. 433. So Wykes, p. 173, in his account of Evesham, says, 'Dominus Edwardus leonina fretus audacia, trepidationis ignarus,' etc.

422. *Discursum inter castra faciens.* This and the following line may be taken as alluding to Edward's very successful conduct of the war

during 1263 and 1264. Early in the former year he made a successful raid on the lands of Humphrey de Bohun on the Welsh border, and when hostilities broke out again in the autumn, in company with his father secured Rochester Castle, though they were not so successful before Dover. (Chron. Dover, f. 41 r^o.) Early next year, even before the decision of Louis IX, there was war between Mortimer and the representatives of the barons; Edward soon joined his friends, and captured the castles of Hay and Huntington, which belonged to the Bohuns, and the castle of Brecon (M. West. p. 318 and Trivet, p. 254), and also secured the castle of Gloucester (see below, note to l. 437). After joining his father at Oxford, he was present at the capture of Northampton, and was then sent into Derbyshire and Staffordshire, where he ravaged the lands of Earl Ferrers and captured his castle of Tutbury (Rish. de Bellis, p. 26). When the royal army marched south Edward was again successful in the capture of the castles of Kingston and Tunbridge. His military skill had been especially shown in the capture of castles, and by the rapidity of his movements.

425. *Alexandro similis*. The reference is probably to some one of the many romances on Alexander. Perhaps to the *Alexandreis* of Walter de Castellio, a poem which was so popular in the thirteenth century that it is said to have superseded Virgil for use in schools.—Henr. Gandavensis. Cf. for instance—

‘Proximus est mundi mihi finis, et absque deorum
Ut loquar invidia, nimis est angustus hic orbis
Et terrae tractus, domino non sufficit uni;
Quem tamen egressus, postquam hunc subjecero mundum,
En! alium vobis aperire sequentibus orbem,
Jam mihi constitui.’ Lib. ix. Migne, ccix. 562.

‘Nil agis, o demens! licet omnia clausuris uno
Regna sub imperio, totumque subegeris orbem.’
Lib. x. Id. 567.

Cf. also Juv. Sat. xiv. 313:

‘Qui totum sibi posceret orbem.’

The idea was familiar in the Middle Ages and occurs in the widely-circulated *De Secretis Secretorum*, where the Brahmins are said to have written to Alexander as follows: ‘Audivimus, invictissime rex, praelia tua, et felicitatem victoriae ubique subsecutam. Sed quid erit hujusmodi satis, cui totus non sufficit orbis.’ This is quoted by John of Salisbury in the *Policraticus*, IV. xi, and may quite possibly be the source of our allusion.

426. *Si fortunæ mobilis rota semper staret*. The allusion is to Arthur’s Vision of the Kings on Fortune’s Wheel: see the *Morte Arthur*, edited by Mr. E. Brock for the Early English Text Society, lines 3206–

3455. The narratives of the Vision in other versions of the legend as in the *Morte Arthur*, edited by Dr. Furnivall, and in Mallory, are much shorter and do not apply. The Vision was as follows: Arthur dreamt he saw a duchess descend from the clouds, who whirled a strange wheel in her hands, whereon was a chair of silver chequered with carbuncles. Kings clave to the wheel one after another; six from the settle had fallen full suddenly, and now lamented their fate. There then follows a detailed description of the six kings. Two kings were climbing to the chair, but failed to reach it. Arthur greeted the duchess, who welcomed him, and he was chosen to achieve the chair; but presently the lady changes her mood—

‘Abowte scho whirles the whele, and whirles me vndire,
Tille alle my qwarters that whille whacare qwaste al to peces!’

The dream is interpreted to Arthur as showing that his good fortune is passed, and he is to take heed of the other kings. The first six were Alexander, Hector, Julius Caesar, Judas the Maccabee, Joshua, and David. The two climbing shall be Carolus of France and Godfrey of Lorraine; Arthur made up the number of the nine noblest.

Cf. also: ‘Dum sceleris fortunæ numina nondum
Accusas, impone modum felicibus armis
Ne rota forte tuos evertat versa labores.’

Alexandreis, viii. Migne, ccix. 549.

Vincent of Beauvais, in his *De Morali Principum Institutione*, c. ix (f. 99 v^o) quotes some other lines, which he ascribes to a ‘versificator egregius’ :—

‘Nemo sui mansit in culmine set cito transit;
Est brevis atque levis in mundo gloria quevis;
Qui fuit hic imus, illic et in ordine primus.’

This allusion occurs again in one of the hymns to Simon de Montfort, printed by Mr. Prothero at the end of his *Life*, p. 390. Cf. Introduction, p. xxi, above :

‘Nequit stare sed rotare
fortuna mutabilis,
Per quam scita mors uel uita
uenit admirabilis.
En iam primus sed nec ymus
flos florem militie
Regnat modo ruit modo,
pacem zelans anglie.’

A representation of the Wheel of Fortune was painted on the West Gable of the King’s Great Hall within the castle of Winchester (Kitchin, Winchester, p. 116). A similar painting of the same date is on the north side of the choir of Rochester Cathedral.

433. *Pardus uerbum uarians.* Probably from the *Liber de Bestiis* of Hugh de S. Victor: see above, note on l. 420. '*Pardus est ferarum genus varium ac velocissimum et praeceps ad sanguinem. Saltu enim ad mortem ruit*' (Migne, clxxvii. col. 83). But the same passage occurs in Isidore, *Etymologiarum*, XII. ii. 10 (Migne, lxxxii. col. 435).

437. *Testis sit glouernia.* Edward came to Gloucester on Ash-Wednesday, 5th March, 1264, and after gaining possession of the town, was closely besieged by John Giffard and other barons, and, despite the efforts of Walter de Cantilupe, Bishop of Worcester, 'non accord per nas.' The barons were shortly joined by Earl Ferrers; and then Robert of Gloucester, who is our best authority, continues:

'po sir edward pis isey¹. no þing nas he glad.

Vor me sede þat he nas. of noman so sore adrad.

Vn iarmed out he wende. to þe barons wel stille.

& anon made acord. & graunted al hor wille.

& made fourme god inou². & suor is wel to holde.

po hii adde al hor wil. þe barons were wel bolde.

* * * * *

Ech bar³ him ek amorwe. out of toune drou.

& of þe fourme þat hii made. wende be siker⁴ inou.

po sir edward & is folc. were al maistres per.

Vor þe burgeis of þe toun. lete in baruns er.

He let crie in to al þe toun. þat bourgeis þat wolde.

In þe castel come to is peis. god pais habbe he ssolde.

Gladdore nere þe borgeis. neuere in hore liue.

þan vor pis gode worde. hii hiede þuder bliue⁵.

po hii were alle icome. þe ȝates me made vaste.

& brouȝte hom biuore sir edward. po were hii sore agaste.

Me acoupede⁶ hom hard inou. & suppe⁷ attelaste.

As þeues & traitours. in strong prison me hom caste.

Wipoute mete & drinke. þere hii laie longe.

In sorwe & care & lokede. wan hii were anhonge.

* * * * *

Atte laste sir edward. of hom gret raunsoun.

Nom⁸ & let hom go aliue. & destruede al þen toun.

Ac þe fourme þat he made. aȝe þe barons biuore.

He beleuede al clene. þei þe op were isuore⁹.

II, 234-II, 307.

The Dunstable Annals (p. 228) give the following account: '*Videns ergo dominus Edwardus multitudinem inuenientem inspiratum, timens*

¹ saw.

² made a formal agreement and swore, etc.

³ Probably an error for baron.

⁴ sure.

⁵ quickly.

⁶ accused.

⁷ afterwards.

⁸ took.

⁹ though

the oath was sworn.

supra modum, exiit inermis ad barones; . . . praesente episcopo Wigorniae, obtulit eis pacem, et treugas petiit usque ad crastinum sancti Gregorii (Mar. 13), ut dictam pacem et voluntatem baronum per omnia, per patrem suum dominum regem procuraret fieri perpetuam ad praenominatum. Et sic per dominum Henricum filium comitis, contra voluntatem sociorum suorum male concessum est; eo quod opportunitas loci . . . dictos barones ad adversariorum captionem promovebant. Sumpta igitur securitate hinc inde, rediit exercitus versus Kenilewrthe; et dominus Edwardus, contra formam pacis initae, burgenses de Gloucestre cepit, imprisonavit et ipsos bonis omnibus spoliavit.

See also Rishanger, De Bellis, p. 21, Trivet's Annals, p. 254, M. West. p. 319. There was a suspiciously similar incident at Bristol in the previous year, when Edward was also released from his strait by the intervention of Walter de Cantilupe, and broke his agreement. Cf. Rish. de Bellis, p. 13, and M. Westminster, p. 316. There is also a statement that he secured Windsor by a trick, 'Dominus Edwardus sub colore visitandi uxorem suam, intravit in castrum de Wyndeshor et ibi se tenuit.' Lib. de Ant. Leg. p. 58. Cf. also Trivet, p. 252.

445. **Nam rex omnis regitur legibus quas legit.** Cf. Bracton I. 1. 1, 'In rege qui recte regit, necessaria sunt duo haec arma videlicet et leges.' The subject is, however, returned to, and indeed forms the foundation of nearly all the remainder of the poem; it will therefore be more convenient to defer discussion to a later stage. Cf. note on l. 848 and quotations there. With the expression, *legibus quas legit*, may be compared Isidore's derivation, 'Lex legendo vocata, quia scripta est.' Lib. Etym. II. x. and V. iii. Cf. also Bracton I. iii. 8, 'Largissime dicatur lex, omne quod legitur.'

446. **Rex saul repellitur, etc.** Cf. 1 Reg. xv.

447. **Et punitus legitur dauid, etc.** Cf. 2 Reg. xii.

458. **Leges . . . ut lucerna lucent.** Cf. Prov. vi. 23, 'Quia mandatum lucerna est, et lex lux.'

462. **Ad fideles terre, etc.** Cf. Ps. c. 6, 'Oculi mei ad fideles terrae, ut sedeant mecum.'

465. **Dolus northamptonie.** Cf. note on l. 47.

471. **Vanitas non habens radices.** Cf. Matt. xiii. 6, 'Et quia non habebant radicem, aruerunt.'

475. **Princeps que sunt principe digna cogitabit.** Cf. Isaias xxxii. 8, 'Princeps vero ea, quae digna sunt principe, cogitabit.'

476. **Legem . . . que te dignum dabit Multorum regimine, etc.** The relation of the Law and the King will be found fully illustrated in notes to ll. 445, 502, 698, and 848. The theory which the writer holds in common with the majority of the mediaeval publicists is, to put it shortly, that the true king will observe the law which in its true form is derived from God; if he does not observe the law, he is not Rex or

Princeps, but Tyrannus. Cf. quotations in notes as above. Roger of Waltham, in his *Compendium Morale* (MS. Laud 617, f. 32 v^o), gives two quotations from Seneca which are particularly apposite to the character here assigned to Edward, 'Vis omnia tibi subicere, te subijce rationi; multos reges si ratio te rexerit,' Ep. 34. And, 'Quomodo regere potest qui regi non potest,' Ep. 80. Cf. l. 945.

480. *Prodesse non eligis set tantum preesse*. Cf. Giraldus Cambrensis, *De Principis Instructione* (MS. Cott. Julius, B. xiii.), c. xvi: 'Tyrannus autem nec pacis nec belli tempore populi procurat indempnitatem, nec solum non instruit set etiam universos, utpote preesse cupiens et non prodesse, prave vite pocius exemplo corrumpit.' And Vincent of Beauvais, *De Morali Principum Institutione*, c. iii (MS. Rawlinson, C. 398, f. 92 r^o in Bodleian): 'Unde cuncti qui presunt, non in se potestatem debent ordinis, sed equalitatem condicionis pensare; nec se hominibus preesse gaudeant sed prodesse.' Cf. ll. 901, 902.

481. *Qui nullius gloriam nisi suam querit*. All the political writers of the time give among the marks of the true king that he should not seek his own interest but that of his people (see note on l. 893 below), and that he should not look for his reward to earthly glory or honour. Cf. Aquinas, *De Reg. Princ.* I. cc. vii-x. In the first of these chapters the question whether honour or glory forms a fit reward for the good king, is decided in the negative. The king's true end is then considered, and his reward is declared to be the highest grade in the blessings of heaven. Cf. note on l. 703 below.

485. *En radiceem tangimus perturbationionis*. The writer now enters on the second half of the Song, and proceeds to contrast the policies and aims of the two parties. He has been brought to this by the question of the relation of the king to the law, which Edward's conduct has suggested to him. The root of the whole difficulty is, as he rightly remarks, the king's claim that he is above the law. From this proceed all the chief points at issue, viz. the appointment of Sheriffs, Wardens of Castles, Chancellor, Treasurer and Justiciar, and the employment of ministers of the king's own choice, whatever their nationality.

491. *Aut esse desineret rex, etc.* The principle that the king's will is law is now first referred to by the writer. Cf. ll. 502, 848, and notes there.

493. *Quos preferret suis comitatibus*. The question of the appointment of the sheriffs held an important place in the programme of the constitutional party. As the royal representative, the sheriff was as a rule appointed by the king¹. Although the office was in its origin

¹ At least in historical times, although on early analogy it is probable

English, it only became of the first importance when under the Norman kings the dignity of the earl became titular, and the sheriffs were converted into the regular governors of the counties. The sheriff acted in a fourfold capacity, as the head of the militia, as the royal justiciary, as the police magistrate, and as the bailiff of the royal demesnes in his county. Owing to the financial position of the sheriff it was found advantageous to farm the office out for a fixed sum. 'The appointment was sometimes for a quarter, or for half a year—not unfrequently too for a number of years; but yet always reckoned from year to year, and revocable at the king's pleasure.' (Gneist, *Hist. of Eng. Const.* i. 144.) In some cases the office became hereditary, and several sheriffdoms were on occasion held by a single man. Henry II found that there was a tendency for the sheriffs to become too powerful, and during his reign and those of his sons their authority was in some respects curtailed, and their judicial duties in particular were much restricted. The system of farming was not however altered, and the holders of the office often looked on it as a means of making money. The corruption of justice, and the exaction of heavy fines by the sheriffs were subjects of complaint on several occasions, especially in 1236 (*M. Paris*, iii. 363); nevertheless, no demand that the sheriffs should be elected was distinctly put forward till 1258. The bad government of the sheriffs forms the subject of six sections in the *Petition of the Barons* (§§ 16–21 *Select Charters*, p. 384, 4th edition). It is there stated (1) that the excessive amount of the firm forced the sheriffs to recoup themselves by fines; (2) that earls and barons are fined without consideration for not personally attending the sheriff's tourn; (3) that the holding of even two acres of land was made sufficient reason for a summons, and non-attendance was punished by arbitrary fines; (4) that arbitrary fines were exacted for non-attendance at various assizes; (5) that they took fines for the receiving of prisoners; (6) that they mulcted the neighbouring villagers when any traveller happened to die on the road and they could not account for him. As a remedy for these evils it was ordered by the *Provisions of Oxford* that the sheriff should be a vavasor of the county in which he held office, should take no fee, should serve for one year only, and render an account to the exchequer; reappointment for a further time was not distinctly prohibited. (*Stubbs, Const. Hist.* ii. 80, and *Select Charters*, p. 391. See also the *Proclamation of October, 1258*.) By the *Provisions of the Barons* in the following year, all prelates, earls, barons, members of religious orders, and women were excused attendance at the sheriff's tourns except for special cause. (*Select Charters*, p. 401.) At the same time the method of appointment was changed,

that the gerefa was originally chosen in the folkmoot. *Stubbs, Const. Hist.* ii. p. 126.

four good men were to be chosen in the county court, one of whom was to be selected as sheriff by the barons of the exchequer. (Ann. Burton, p. 478.) However, early in 1261 Henry felt strong enough to reassert himself and wrote to the sheriffs on March 12th to come and consult with him, and two days later wrote again directing them 'to proclaim that the king sincerely loves the magnates and commons, and that he purposes to treat them well' (Close Roll). On July 9th he proceeded further, and dismissing the officers appointed by the barons entrusted the counties once more to sheriffs of his own choosing. (Patent Roll —M. West., p. 309.) In the following autumn the barons removed all the king's sheriffs, and appointed in their place officers of their own whom they called 'Custodes Comitatum.' (Lib. de Ant. Leg. p. 49¹.) On Oct. 18, Henry addressed a letter to the different counties, 'We have heard with high displeasure that certain persons have without our command assumed the keeping of our counties and removed our sheriffs and bailiffs' (Pat. Roll 45 Hen. III; Shirley, Royal Letters, ii. p. 192, Ep. dlvi). At the same time he wrote to John de la Haya prohibiting him from assuming custody of the counties of Surrey and Sussex (Close Roll, 45 H. III.); a letter of similar tenour to John Fitz-John with reference to Bucks and Hertfordshire, probably belongs to the same date. The matter was eventually referred to the arbitration of King Richard, who late in 1261² gave his decision in favour of the king. (Royal Letters, ii. 197; Foed. i. 738; Wykes, p. 130; the last, however, placing the negotiations in the spring of 1262, and giving a somewhat different account.) This decision was confirmed by Louis IX in the Mise of Amiens. (Select Charters, p. 408, three lines from bottom.) After the battle of Lewes guardians of the peace were appointed in each county by a writ dated June 4th. All subjects of dispute between king and barons were under the Mise of Lewes reserved for an arbitration which never came off. The Statute of Marlborough, though it reaffirmed most of the Provisions of Oxford, did not concede the election of sheriffs. The question still therefore remained a subject for discussion; in 1300 the right of election was given to the counties, when they desired to have it, and the office was not of fee or hereditary. But the privilege was sparingly exercised, if at all, and was withdrawn by the Ordinances of 1311. In 1338 the sheriffs were ordered to be elected by the counties, but in 1340 the right of appointment was finally restored to the Exchequer, and at the same time the sheriffs were forbidden to hold office for more than one

¹ Cp. the following for the same year, 'Ric. Comes Glouernie Symon de Monteforti comes Leycestr. et multi alii nobiles interim allegabant sibi quotquot habere poterant, et detinebant castra regis et viginti duos comitatus per suos vice-comites.' Chr. Dover, f. 33 v^o.

² Nov. 28, or Dec. 28. Shirley, Royal Letters, ii. 197.

year. The latter provision was frequently evaded, especially under Richard II. In 1376, for the last time, we meet with a demand for elective sheriffs. As the post of sheriff became less and less of practical importance the whole question naturally dropped out of sight. (Chiefly from Stubbs' Constitutional History, chs. xiv, xv.)

495. *Castrosum custodiam.* To maintain a firm hold on the chief castles had been a prominent feature in royal policy ever since the troublous days of King Stephen, and this must no doubt be taken as in part explaining the bestowal by Henry III of the custody of the royal castles on his foreign favourites. At the same time it gave his opponents a very obvious and on the whole a just cause of complaint. So in the Petition of the Barons, §§ 4, 5, it was demanded that the royal castles should be entrusted '*fidelibus de regno Angliae natis.*' One of the first resolutions of the twenty-four gave effect to this by ordering the resumption of the royal castles, and named eighteen barons, all of them said to be English, to take charge of them. This we learn from the Burton Annals, pp. 443-4, where we have this statement, '*Postea commissa fuerunt omnia castra domini regis certis personis Anglicis, quae fere omnia prius erant in manibus alienigenarum.*' The same Annals, p. 453, give a document styled '*Ces sunt les noms des cheveiteins chasteaus le rei, et de ceus ke les unt en garde.*' The list contains twenty-one castles with eighteen chatelains, two of them holding two castles, and the chatelain of Winchester not being named. It is not a complete list by any means; such castles as Cambridge, Carisbrooke, Carlisle, Colchester, Marlborough, Northampton, Rockingham, Southampton, Wallingford, Windsor, with others are omitted; besides Bristol, which was in Edward's hands, and Kenilworth and Odiham, which de Montfort held, not as Earl of Leicester, but under special grants, and which he surrendered in consequence of the resolution of the Twenty-four. In 1264, however, he again held Kenilworth. As to the statement that before 1258 nearly all the castles were in the hands of aliens, the Calendar of the Patent Rolls does not supply sufficient material to form a judgment; many, however, certainly were. In 1249 we have a grant of Hastings to Peter of Savoy; many of the grants in 1256 are given in the Calendar, and among them Hugh de Gorget holds Marlborough, Elye de Rabayn Corfe; these are French, and so perhaps are some others, but many are certainly English. It must, however, be remembered that many castles which were not royal were held by aliens, as Goodrich, Kilgaran, and Hertford, by William of Valence, Ludlow by Geoffrey de Genville. The custodians in 1258 include some names of those who were afterwards royalists, as Matthew de Beail, Gloucester, which he held for the king in 1263; Robert Walrand, Salisbury; Hugh Bigod, the Tower; William Bardolf, Nottingham. On the other hand we find prominent leaders on the barons' side, as

Richard de Grey, Hugh Despenser, Peter de Montfort, with others less known. Dover was a castle to which naturally special importance was attached, and we find many changes. Richard de Grey held it in 1258, Hugh Bigod in 1259, Robert Walrand in 1261 (he was appointed on May 3—Pat. Roll), Walter de Bergstead in 1262 (perhaps baronial), and in 1263 we find Richard de Grey holding it against the king. There was a general change in the wardens of castles on July 9, 1261, at the same time as the change in the sheriffs; on this occasion changes were made in twenty-eight counties, and in most cases the new sheriffs were entrusted with the charge of one or more castles. It is remarkable that none of these new officers were foreigners; but on the other hand the majority of them are known to have been strong royalists; among them we find John de Grey, Alan la Zouche, Philip Basset, James de Aldithely, John de Baliol, the Earl of Warwick, and Robert Walrand (Pat. Roll). It was no doubt a change made by the king in his own interest, and as such was resented and opposed by the barons. (Cf. quotation from Dover Chronicle in footnote on p. 93 above, and Lib. de Ant. Leg. p. 53.) The Mise of Amiens directed that the castles should be restored to the king, who was to hold them as he had done before the Provisions. (Select Charters, p. 408.) See also Godwin's English Archaeologist's Handbook, Pearson's Historical Maps of England, and Clark's Mediaeval Military Architecture.

495-499. *Vel quem exhibere Populo iusticiam uellet, etc.* *The appointment of Ministers.* The right of the magnates to a voice in the appointment of the great officers of state and of the royal council, and the consequent responsibility of ministers not to the king, but to the nation, were perhaps the most important of all the points at issue. The idea of ministerial responsibility was perhaps first dimly shadowed forth in the opposition to William Longchamp in 1191. But in Magna Carta (§ 45) it was still merely provided that all justices, constables, and sheriffs should know the law of the realm and be ready to observe it. During the minority of Henry III the idea gained strength, and the great officers were appointed by the council. Thus at the beginning of the reign William Marshall was chosen by common consent to be 'rector regis et regni,' and Hubert de Burgh perhaps derived his authority as justiciar from the same source. In 1226 we are distinctly told that Ralph Neville was appointed chancellor by the common council of the kingdom, 'on the understanding that he should not be removed except by the same authority; and in 1236 he refused to resign his office without a requisition from the body that had appointed him. It is probable then that the events of Henry's minority had a considerable effect in creating the idea of limited monarchy which almost immediately springs into existence.' (Stubbs, Const. Hist. ii. p. 41.)

Before that time at any rate there is no claim for a voice in the appointment of the great officers, though no doubt such appointments were announced in the meetings of the council. As soon, however, as the constitutional disputes of Henry III's reign begin, the claim is clearly put forward. The first definite assertion of the kind is contained in the demand for the dismissal of Peter des Roches in 1233, which after a short resistance proved successful. (M. Paris, iii. 272.) Next we have in 1236 Bishop Ralph of Chichester's refusal to surrender the great seal, which has already been referred to. (Paris, iii. 364.) In January, 1237, a formal attempt was made to bring the King's advisers under the control of the common council of the realm, but as the removal of the King's existing counsellors would have seemed a harsh measure, it was decided merely to add to it the Earls of Derby and Warenne, and John Fitz Geoffrey. (M. Paris, iii. 383.) In the Parliament held at Westminster about Michaelmas, 1244¹, petition was made for the appointment of a justiciar and chancellor. To this petition the King, from fear of seeming to adopt a new policy under the constraint of his council, refused assent. The assembly then adjourned, agreeing that if the King should in the meantime of his own free will choose such counsellors and so observe the rights of the realm, the magnates would grant an aid. (M. Paris, iv. 362-3.) In this same Parliament certain provisions were put forward, according to Matthew Paris, with the King's consent. They are of a more fundamental character than any which had yet been broached, and anticipate the later programme of Simon de Montfort. Under this scheme there were to be four Conservators of Liberties chosen by common consent from the more discreet persons of the realm, who were faithfully to treat the business of the King and kingdom, and show justice to all men without receiving of persons. These four, or at the least two of them, were to be with the King always, and to have complete control of the treasury. None of them was to be removed without the common assent, and any vacancy that might occur was to be filled by cooptation. The justiciar and chancellor were to be chosen by all, and might be of the number of the conservators. No future holders of these offices were to be appointed except through the solemn assembly and assent of all. Also there were to be two justices of the bench, two barons of the exchequer, and at least one justice of the Jews; for this turn they were to be appointed by common election, but afterwards by the four conservators. All suspected or unnecessary counsellors were to be removed. (M. Paris, iv. 366-368.) This is probably only a paper constitution, but

¹ M. Paris apparently placed this Parliament early in the year, but the Bishop of Oxford has shown that it must have been held between Sept. 9 and Nov. 18. (Const. Hist. ii. note on p. 62.)

none the less, as it is the earliest, so also is it one of the fullest statements of the programme of the constitutional party, and in it the right of the council to control the King in his choice of ministers and justices is clearly enunciated. After this public attention was for a time diverted by the wrongs of the Church, and it was not till the Parliament of 1248 that the magnates again complained that there was 'no justiciar, chancellor, or treasurer appointed through the common council of the realm as is proper and expedient.' (M. Paris, v. 7.) Nothing, however, came of this request, nor of the repetition of the demand in the following year. (M. Paris, v. 20-21.) We hear no more on the subject till the great Hocketide Parliament of 1255, when the magnates required 'to choose for themselves by the general advice of the realm, a justiciar, chancellor, and treasurer, in accordance with ancient custom and justice after due deliberation by the common advice of the kingdom; who are not to be removed except for evident faults, and in council assembled.' (M. Paris, v. 494.) But there is here the noteworthy addition that they knew not how to bind the King, even if he should grant their wishes, which they had learnt he would never do.

The Revolution was, however, at hand, and matters were brought to a crisis by the Sicilian complication. In the Parliament of Oxford, June 1258, a full scheme of reform was promulgated, under which the government was practically placed in the hands of the Committee of Twenty-four, who, to use a modern analogy, formed a cabinet deriving its authority not from the King but from the Parliament. It was also provided that a justiciar, chancellor, and treasurer should be appointed to hold office for one year, at the expiration of which time they were to answer before the King and Council. Thus the right of free choice by the King is restricted, and the principle of responsibility established, although not permanently. Under the provisions Hugh Bigod was appointed justiciar, whilst Henry of Wengham and Philip Lovell remained chancellor and treasurer; but the latter was removed by the barons in the following October to make room for John of Crakehall. In October, 1260, Nicholas of Ely became chancellor in place of Wengham (Pat. Roll), and in 1260 Hugh le Despenser was made justiciar in place of Hugh Bigod (Lib. de Ant. Leg. 45), two changes which were favourable to the barons. However, in April, 1261, Henry felt strong enough to remove both justiciar and chancellor and to appoint in their place Philip Basset and Walter de Merton. (Wykes, p. 129.) Under the arrangement of July, 1263, Hugh le Despenser was restored to the justiciarship (Lib. de Ant. Leg. 55), and Nicholas of Ely was apparently made chancellor again.

Clearly neither Henry nor the barons were prepared to concede the point without a struggle. By the Mise of Amiens decision was given in the King's favour, and he was declared to have the right to appoint and

remove at his own free will his justiciar, chancellor, treasurer, counsellors, and all other officers of his realm and household. (Select Charters, p. 408.) This was of course reversed by the battle of Lewes, after which nine counsellors were appointed to advise the King, and this council was under the circumstances practically supreme. The system was, however, short-lived, and the Statute of Marlborough, inasmuch as it did not concede the appointment of ministers by Parliament, restored to the King all the rights which he had claimed. Amid the general success of the constitutional party this omission, important though it was, did not constitute a serious grievance, and the just and strong rule of Edward I gave little cause for the renewal of the complaint. Of all the chief items of the constitutional programme the principle that ministers represented and were responsible to the nation, and not the King, though never entirely lost sight of, was the last to be conceded. (See Stubbs, Const. Hist. ch. xiv. §§ 171, 175-177.)

The writer of the Song does not here state his own views on the subject, but gives them clearly though shortly later on (ll. 777-811), where he states that the community is entitled to a voice in the choice of the royal ministers, who should be the most approved men that can be found, well acquainted with the customs of the country, and as such able to appreciate and sympathise with the wants of the many.

499. *de quacunq[ue] gente.* The appointment of foreigners to important posts had of course been one of the great grievances of the constitutional party. (See note on l. 285.) By the Mise of Amiens it was declared '*quod rex possit alienigenas et indigenas vocare secure ad consilium suum, quos sibi viderit utiles et fideles, sicut facere poterat ante tempus praedictum.*' (Select Charters, p. 409.)

502. *uim habente legis Principis imperio.* This refers to the well-known maxim of the civil law contained in Justinian's Institutes, Lib. I. tit. ii. § 6: '*Sed et quod principi placuit, legis habet vigorem, cum lege regia, quae de imperio eius lata est, populus ei et in eum omne suum imperium et potestatem concessit. Quodcumque igitur imperator per epistulam vel cognoscens decrevit vel edicto praecepit, legem esse constat.*' The authority which Augustus possessed in virtue of his various offices was conferred on his successors by separate leges; later the emperor was invested with his power *uno ictu*, by a *lex de imperio*, . . . which gave his enactments the force of statutes (Gaius i. 5), and released him from the control of the laws. (Dion Cassius, liii. 18. 28.) (Moyle, *Imperatoris Justiniani Institutiones*, vol. i. p. 42.) The section of the Institutes is based on Ulpian, Dig. 1. 4. 1. pr. The interpretation which was put on this maxim by mediaeval constitutionalists will be better discussed after the writer has replied to the royal claim to be above the law, and set forth how all royal authority is derived from God (ll. 627-700), and how it must be exercised in accordance with

divine law (ll. 848-884. Cf. note on l. 848. Cf. also ll. 491 and 871).

505. *Nam et comes quilibet sic est compos sui.* With this and the following lines may be compared the speech which Henry III made in 1248 when replying to the demand for the appointment of ministers, etc.: 'Voluistis vos omnes Angliæ primates ad arbitrium vestrum parum civile dominum vestrum regem incurvare, eidemque servilem nimis imponere conditionem, dum quod licet unicuique vestrum illi frontose denegaretur. Porro licet cuilibet cujus et quolibet uti consilio. Caeterum licet cuilibet patrifamilias quemcunque de domo sua illi vel illi officio praeponere vel postponere vel etiam deponere, quod utique domino vestro regi temere praesumitis denegare, praesertim cum dominum servi, principem suum vassalli, minime debeant judicare vel suis arctare conditionibus, quin immo domini arbitrio potius habent dirigi et voluntate ordinari, quicunque censentur inferiores. "Non enim est servus supra dominum, sicut nec discipulus supra magistrum"; non foret utique rex vester, sed quasi servus si ad voluntatem vestram sic inclinaretur.' (M. Paris, v. 20.)

510. *sibimet nocenti Rex non adversabitur, etc.* The suggestion that it is no concern of the King if any of his subjects injure himself, is answered by the writer in ll. 784-6, 816-841. In which passages it is pointed out that the whole must suffer with the part, and that it is the duty of rulers to refrain the folly and rashness of their subjects, and to prevent liberty from becoming license.

514. *Quare regem fieri servum machinantur, etc.* Answered below, ll. 667-694. All restraint, says the writer, does not take away liberty; the King needs guides to prevent him from falling; 'such support is not servitude, but the protectress of virtue.' See also l. 536, where a protest is entered on behalf of the barons against the idea that they have any designs against the King's honour. For an expression of the contrary opinion, namely, that the barons did aim at a restriction of the royal dignity, we have Henry's words used in a speech at a Parliament held in February, 1261: 'Nunc autem indubitanter expertus sum vos non tantum regis et regni, quantum propriis inhiantes emolumentis paenitus a pacto resilire, et me non quasi dominum sed quasi ministrum, vestrae subjugasse custodiae.' (M. West., p. 304.)

529-530. These two lines have the appearance of being borrowed from the technical language of the courts of law. If so, they may perhaps serve to show that the writer of the Song had some actual legal knowledge. See Introduction, p. xxiv.

536. *Quod honori regio nichil machinatur.* Cf. the language of the letter which the barons addressed to the King on May 12, 1264, two days before the Battle of Lewes, given in note to line 257, and the fol-

lowing account of the scene when the barons appeared in arms at Westminster in 1258: 'Rex ait "Quid est domini mei? Captivus ego a vobis ne captus sum"? Cui comes, dominus Rogerus Bigod, "Non domine mi rex, non. Sed fugiant captivi et intolerabiles Pictavenses, et omnes alienigenae a facie vestra et nostra tanquam a facie leonis. . . . Est istud verum secretum nostrum, quod ob dignitatem, honorem et profectum vestrae dominationis totiusque regni vestri, vobis confitemur nos omnes"' (Ann. Tewkes. p. 164). In accordance with the position thus adopted, the barons during the war in 1263 always carried the King's banner before them (Lib. de Ant. Leg. p. 53), and after the Battle of Lewes the whole system of government was carried on in the King's name.

547. *Regis aduersarii sunt . . . consiliarii regi aduantes.* Cf. quotations given in note on l. 536.

547-582. These lines no doubt are intended primarily as an indictment of the King's foreign favourites, whose conduct has already been more explicitly criticised in ll. 285-324. Cf. the quotations given in the note to l. 285.

553. *honoris proprii sunt procuratores.* Cf. l. 288, 'qui suam gloriam volunt ampliare.'

563. *regni iura Ad suas inflecterent pompas, etc.* Cf. quotation from the Burton Annals given in note to l. 285.

569-571. *Quod nullus iusticiam posset optinere, etc.* 'Corruption rather than injustice was the crying vice of our judicature in the thirteenth century' (Pearson, *Hist. of England*, ii. p. 199). This statement is founded on the case of Henry of Bath—a justiciar whose corrupt conduct when on circuit provoked an appeal to the King in council. Eventually the matter was compromised for a fine of 2000 marks, and two years later Henry of Bath was again justiciary (cf. *M. Paris*, v. 213-5, 223, 240). It was not, however, a solitary instance: Matthew Paris charges other judges with having amassed great riches in their office, as Thomas Multon (iv. 49) and Robert Lexington (v. 138). Bracton earnestly denounces judges who used their position to acquire wealth (Lib. III. c. viii). Cf. *Piers Plowman*, B. Text, *Passus* iii. 152-168, where Conscience accuses Mede because

'She ledeth the lawe as hire list' and louedayes maketh,

For pore men mowe haue no powere to pleyne hem thouȝ thei smerte'

587-602. A clear statement of the limited character of the English monarchy and of the rights of the magnates not only to interfere for the removal of existing abuses, but also to be consulted as to measures which may prevent their occurrence.

The Constitutional rights of the baronage. By the end of the reign of John the Great Council had acquired the following recognised rights : (1) To be consulted as to Taxation, and that without their consent no tax should be levied beyond the three prescriptive feudal aids ; (2) the right to advise and consent as to Legislation ; (3) in Judicature, to hear complaints and ratify the King's judgments against high offenders ; (4) to be consulted on questions of foreign policy, of internal police, and national defence. Under Henry III these rights were fully vindicated and practically enlarged ; grants in aid were frequently refused, and when made the mode of collection and assessment was carefully prescribed. In Legislation they had taken the initiative by petitions, such as those which led to the Provisions of Oxford. In Judicature, their power was substantially maintained, whilst their general political power was greatly increased, and it was as representing the Great Council of the kingdom that the baronial party acted throughout. (From Stubbs' Constitutional History, ii. pp. 246-8.) The claim of the writer of the Song that to the magnates there belonged of right '*prouisio gubernatrix morum*' is therefore no more than a statement of the recognised constitutional theory of the past fifty years.

622. *Nec ullum de genere servire cogebat.* Cp. 2 Paralip. viii. 9, '*De filiis Israel non posuit ut servirent operibus regis.*'

630. *Subdique minoribus non vult set preesse, etc.* The King has no peer, and is not bound to listen to the advice of any of his subjects. The theory here ascribed to the royalist party may be compared with the following from Bracton, I. viii. § 5 : '*Sunt sub rege liberi homines, et servi ejus potestati subjecti, et omnis quidem sub eo et ipse sub nullo, nisi tantum sub Deo. Parem autem non habet in regno suo, quia sic amitteret praeceptum, cum par in parem non habeat imperium. Item nec multo fortius superiorem, nec potentiorum habere debet, quia sic esset inferior sibi subjectis, et inferiores pares esse non possunt potentioribus.*' This is Bracton's theory of kingship, as put forth in its natural place. Nor does it stand alone. Elsewhere he says, '*Rex parem non habet, nec vicinum, nec superiorem*' (II. xxii. 1) ; '*Pares non habet, neque superiores*' (V. xv. 2 ; Rolls Ser., vol. vi. 248). It is not, however, to be taken without limitation, for, says Bracton, the king must obey the law, like Christ, whose vicar he is. Further, it is in direct contradiction to a famous passage, which, though certainly an interpolation as it stands, may just possibly be Bracton's own, and in any case is not of much later date, since it occurs in Fleta (cf. Mr. Maitland's Introduction to '*Bracton's Note Book*,' vol. i. pp. 30, 31, 37). The passage is as follows : '*Rex autem habet superiorem Deum scilicet. Item legem, per quam factus est Rex. Item curiam suam, videlicet comites, barones, quia comites dicuntur quasi socii regis, et*

qui habet socium, habet magistrum, et ideo si rex fuerit sine fraeno, idest sine lege, debent ei fraenum ponere, nisi ipsimet fuerint cum rege sine fraeno, et tunc clamabunt subditi et dicent, Domine Jesu Christe, in chamo et fraeno maxillas eorum constringe' (II. xvi. § 3). Cf. also Britton, II. viii. 3 and Fleta, 196.

641. Vnus solus dicitur et est rex reuera. That all power is derived from God is the first principle of Mediaeval Political Theory, as is indeed but natural, since the enunciation of that theory was almost entirely the work of churchmen. The Pseudo-Aquinas (probably Ptolemy of Lucca), in De Reg. Princ. iii. caps. 1-3, discusses this question at length, declaring, 'Omne dominium esse a Deo.' (1) 'Naturâ entis.' God is the 'primum ens.' 'Oportet omne ens ad primum ens reducere. Sicut ergo omne ens ab primo ente dependet, quod est prima causa, et omne dominium creaturae a Deo sicut a primo dominante et primo ente.' (2) 'Ex consideratione motus, cujuslibet naturae creatae.' Every effect must have a cause, and the series cannot be an endless one; we must eventually come 'ad primum movens immobile, quod est Deus, sive causa prima. Inter omnes autem homines qui plus habent de ratione motus, sunt reges et principes, et omnes qui praesunt, etc. Si ergo reges et alii domini habent de ratione motus ipsum non possunt perficere nisi per influentiam et virtutem mouentis primi, quod est Deus.' (3) 'Ex respectu finis.' The duty of a king is to rule well, and to direct his people to an end, viz. 'eterna beatitudo quae in visione Dei consistit. Cum Deus sit summa intelligentia, sua actio magis finem includit.' With this may be compared De Reg. Princ. i. 8 (which is from Aquinas' own hand) which treats of the true end of the King: 'Rex autem populum gubernando minister Dei est. Rom. xiii. 1, "*Omnis potestas a Domino Deo est.*" Regis autem opus est bene regere subditos, hoc etiam erit praemium regis, quod eum faciat esse beatum. Neque igitur terrenum aliquod beatum facere potest, ut possit esse regis conveniens praemium. Adhuc cujuslibet rei finalis perfectio, et bonum completum ab aliquo superiore defendet.'

Hincmar, De Divortio Lotharii, quaest. vi (Migne, cxxv. 759), says: 'Cor regis in manu Dei est, quia, sicut supra ostendimus, ille veraciter rex est, qui se suasque cogitationes verba et actus sub divino rexit nutu.' Cf. also De regis persona et regio ministerio, cap. 1 (Migne, cxxv. 834), where he says that good kings reign through God, and evil ones are permitted by him. See quotations from John of Salisbury in note on l. 848. Bonaventure, Lib. Sent. II. xliv. Art. II. q. 1, gives as his conclusion, 'Quod omnis potestas praesidendi, secundum id quod est, et etiam respectu ejus super quem est, justus est et a Deo est.' The manner of its acquisition may, he continues, be unjust and not of God, but nothing is so unjust in one part that it may not be just in another: 'ideo de

nulla potentia praesidendi dici potest quod non procedat a Deo.' Whatever the manner of acquisition, there is still in the possession of power some order of justice, and so it may be said to be of God. Vincent of Beauvais discusses the subject in *De Mor. Princ. Inst.* c. v, which is styled 'Quod omnis terrena potestas collata sit a summa potestate,' basing his argument chiefly on biblical texts, such as *Romans* xii. 1, 2; *Job* xxxviii. Aegidius, *De Reg. Princ. lib.* III. ii. c. 8, says that royal power is derived from God, 'qui est princeps summus et rex regum a quo rectissime regitur universa tota natura.' Bracton, however, supplies the closest parallel to our writer: cf. quotations in notes on lines 630 and 848. Both in the *Song* and in the *De Legibus* the derivation of all power from God, and the position of the king simply as God's minister, are made the basis of the argument by which the claim of the king to be above all law is contested.

644. *Set nequid consilio qui nequid errare.* Cf. Aquinas, *Summa Theologica*, i^a, ii^{ae}. q. xiv. a. 1, 'Consilium Deo non attribuitur. Et secundum hoc Damascenus dicit, lib. 2. orth. Fid. cap. 22, quod "Deus non consiliatur; ignorantis enim est consiliari."'

657. *Quos uoluerio mihi sociabo.* The Mise of Amiens gave the king, as he claimed, full right to choose his own ministers. (Cf. *Select Charters*, 4th ed. pp. 408-9.) Vincent of Beauvais, *De Mor. Princ. Inst.* c. xii, lays down the principles to be observed in the choice of ministers, which he regards as part of the king's duty: 'Eligendi sunt homines maturi, non veloces et impetuosii. Iterum fideles ac boni,' etc. (f. 103 r^o). He does not suggest a method for ensuring such good selection. The following is from the *De Eruditione Principum* of William Pérault, sometimes, though wrongly, ascribed to Aquinas: 'Providere debet princeps ut tales secum habeat, quibus omnia sua secreta secreta committat, consilia communicet, quibus se totum quasi alteri sibi refundat; qui, si velit aliquatenus deviam, non sinant, fraenent praecipitem, dormitantem excitent, extollentem reprimant, excedentem corrigant,' etc. (bk. iv. c. ii); this is more to the point. Roger of Waltham, in his *Compendium Morale* (Bodl. MS. Laud 617, f. 38 v^o), quotes Innocent, 'Nota justas causas dandi curatorem regibus, videlicet si regnum suum nesciunt defendere, vel in eo justiciam et pacem servare, et maxime religionis personis locis et pauperibus.' See also note on l. 780 below.

667. *Non omnis artificio priuat libertatem, etc.* The author's argument may be summed up as follows: restraint is not necessarily contrary to true liberty, and it is not slavery to be kept from doing evil; this may be seen by the case of the angels, and of God himself, whose inability to sin is not impotence, but the height of power: so the king's advisers who guard him from doing wrong, do not enslave him but keep,

him free. Mr. Plummer¹, in his notes to Fortescue, *On the Governance of England*, p. 218, quotes this passage to illustrate a similar argument in his text, and truly remarks that 'the argument seems to rest on a confusion between the inability to do wrong which comes from the state of the will, as in the case of God and the angels, and that which is the result of mere external limitations. To say that the latter are in any real sense an increase of power seems absurd.' Moreover, as Mr. Plummer points out, these limitations may not only prevent bad kings from doing wrong, but good kings from doing what is desirable, which latter is certainly 'impotentia.' The passage in Fortescue on which Mr. Plummer is commenting is worth quoting: 'Ffor it is no poiars to mowe aliene and put away; but it is power to mowe haue and kepe to hym self. As it is no poiars to mowe synne, and to do ylle, or to mowe to be seke, wex olde, or that a man may hurte hym selfe. Ffor all thes poiars comen of impotencie. And therefore thay mey properly by callid nown poiars. Wherefore the holy sprites and angels, þat mey not synne, wex old, be seke, or hurte ham selff, haue more poiars than we, that mey harme owre selff with all thes defautes. So is the kynges power more, in that he may not put from hym possessions necessities for his owne sustenance, than yff he myght put ham ffrom hym, and aliene the same to his owne hurte and harme.'

675. *Sic seruatur paruulus regis ne ledatur.* Cf. Gal. iv. 1, 2, 'Quanto tempore heres paruulus est, nihil differt a seruo, cum sit dominus omnium. Sed sub tutoribus, et actoribus est usque ad prae-finitum tempus a patre.'

677. *Set et sic angelici spiritus artantur.* Compare the passage quoted from Fortescue's *Governance of England* in the note on l. 667, and Fortescue, de *Laudibus*, c. 14 (ad finem): 'Potestas, qua eorum alter perperam agere liber est, libertate huiusmodi non augetur, ut posse languescere morive, potentia non est, sed propter privationes in adjecto, impotentia potius denominandum. Quia ut dicit Boetius, "Potentia non est nisi ad Bonum"; quod posse male agere, ut potest rex regaliter regnans liberius quam rex politice dominans populo suo, potius ejus potestatem minuit, quam augmentat. Nam sancti spiritus, jam confirmati in gloria, qui peccare nequeunt, potentiores nobis sunt, qui ad omne facinus liberis gaudemus habenis.'

697. *regere quod incumbit regi.* There can be little doubt that in this and the previous few lines the writer has in his mind the derivation of 'rex' from 'regere,' which is a favourite commonplace in mediaeval writers. In one sense it is as old as Horace, who says,

¹ I must take this opportunity of acknowledging my indebtedness to Mr. Plummer's work with regard to this and other notes; more especially in the one on l. 697.

'Rex eris si recte facias' (Ep. i. l. 59), and Seneca, *De Beneficiis*, 'Si bene regna regis dignus es nomine regis.' But the derivation of 'rex a regendo' is first explicitly given by S. Augustine, *Enarratio ad Ps. xlv.* (Migne, xxxvi. 504), 'Erit virga ipsius qui te regit, virga directionis. Inde et rex a regendo dicitur. Non autem regit qui non corrigit. Ad hoc est rex noster rectorum. Quomodo et sacerdos a sanctificando nos, ita et rex a regendo nos.' Cf. also *De Civ. Dei*, v. c. 12, 'Reges . . . a regendo dicti.' The idea also occurs in the early treatise *De gradibus abusionum*, which is often, though wrongly, attributed to Cyprian or Augustine. It is, however, so frequently quoted by Hincmar and other writers down to Roger of Waltham, that it is perhaps worth giving at length: 'Nonus abusionis gradus est, rex iniquus. Etenim regem non iniquum, sed correctorem iniquorum esse oportet. Inde in semetipso nominis sui dignitatem custodire debet. Nomen enim regis intellectualiter hoc retinet, ut subjectis omnibus rectoris officium procuret. Sed qualiter alios corrigere poterit, qui proprios mores, ne iniqui sint non corrigit? quoniam in justitia regis exaltatur solium, et in veritate regis solidantur gubernacula populorum' (Migne iv. 877). Isidore (*Etym.* ix. c. 3) says, 'Reges a regendo; sicut enim sacerdos a sanctificando, ita et rex a regendo: non autem regit qui non corrigit. Recte igitur faciundo regis nomen tenetur, peccando amittitur.' Hincmar has the following: 'Rex a regendo dicitur, et si seipsum secundum voluntatem Dei regit, et bonos in viam rectam dirigit, malos autem de via prava ad rectam corrigit, tunc rex est, et nullorum legibus vel iudiciis nisi solius Dei subjacet; quoniam arbitria possunt dici, leges autem non sunt, nisi illae quae Dei sunt per quem reges regnant, et conditores legum justa decernunt. Et quicumque rex veraciter rex est, legi non subjacet, quia lex non est posita iusto, sed injustis.' (*De Divortio Lotharii*, Quaestio vi. Migne, cxxv. col. 757.) And again, 'Ille veraciter rex est qui se suasque cogitationes, verba, et actus sub divino rexit nutu.' (*Id. ibid.* col. 759. Compare with lines 693, 694, 'Set quis vere fuerit rex, est liber vere Si se recte rexit regnumque.') John of Salisbury, *Polycraticus*, viii. c. 17, says, 'Rex dicatur a recto quod principem dicit.' Vincent of Beauvais quotes Isidore in the *De Mor. Princ.* Inst. c. xi. and in *Speculum Doctrinale*, viii. c. 8, where he adds, 'Unde apud veteres tale proverbium; "rex eris si recte facias, si non facias non eris."' Aquinas, *De Reg. Princ.* i. c. 8, 'Regis opus est bene regere subditos'; and *ib.* i. c. 13, 'a gubernationis regimine regis nomen accipitur.' Bracton, III. ix. § 3, f. 1076, 'Dicitur enim rex a bene regendo, et non a regnando, quia rex est dum bene regit, tyrannus dum populum sibi creditum, violenta opprimit dominatione.' (This distinction of king and tyrant, in accordance with the derivation, seems to be hinted at in l. 698.) A similar use was made of the derivation by Hincmar *ut supra*, and by Fortescue in *Governance of England*, ch. ii; see below

notes to ll. 698, 848.) Aegidius, *De Reg. Princ.*, lib. I. ii. c. 7, 'Est regis officium ut suam gentem regat et dirigat in debitum finem, quod ipsum nomen regis ostendit. Nomen enim regum a regendo sumptum est.' Cf. *Id.* lib. III. ii. c. 29. Roger of Waltham quotes similar statements from Papias and the Canon Law (*Decreti. Pars i. Dist. 21. cap. i. Cleros*), both of which owe it to Isidore. Roger also gives (f. 32 r^o) a metrical version:

'Cum rex a regere nomen dicatur habere,
Nomen habet sine re, studeat nisi recta docere.'

This is apparently from Isidore, *Etym.* vii, but Mr. Plummer says he has searched that book in vain. A slightly different version of the distich occurs in *Piers Plowman*:

'Dum rex a regere dicatur nomen habere,
Nomen habet sine re, nisi studeat jura tenere.'

B. Text, Prologue 141-2, ed. Skeat.

Cf. *Political Songs*, *Rolls Series*, ii. 231:

'O rex, si rex es, rege te, vel eris sine re rex,
Nomen habes sine re, nisi te recte regas.'

As already observed, the derivation is quoted by Fortescue in the *Governance of England*, ch. ii.

Plays on *rex* and *rectus*, *rego*, *corrigo*, *dirigo*, are very common. Cf. ll. 816, 817, 940, 945. Aquinas in the *De Regimine* constantly dwells on the duty of the good king, '*dirigere subditos*.' Cf. lib. I. cc. i, ix, xiv.

698. *Aliud destruere resistendo legi*. As remarked in the previous note, resistance to law was that which distinguished the '*tyrannus*' from the '*rex*' or '*princeps*.' See quotations above; and cf. John of Salisbury, '*Est ergo principis et tyranni haec differentia sola, quod hic legi obtemperat, et ejus arbitrio populum regit, cujus se credit ministrum*.' (*Policraticus*, lib. iv. c. i.) '*Est ergo tyrannus qui violenta dominatione populum premit, sicut qui legibus regit princeps est*.' (*Id.* lib. viii. c. xvii.) Cf. Bracton, *De Legibus* III. ix. § 3, quoted in note on l. 848 below, and see the whole note there.

699. *A ligando dicitur lex*. Cf. Aquinas, *Summa Theol.* 1^a 2^{ae} quaest. xc. 1, '*Lex quaedam regula est mensura actuum secundum quam inducitur aliquis ad agendum, vel ab agendo retrahitur. Dicitur enim lex a ligando quia obligat ad agendum*.' Isidore's derivation is '*Lex a legendo . . . quia scripta est*,' *Etym.* II. x.

699-700. *que libertatis Tam perfecte legitur*. Cf. Ep. Jacobi, i. 25, '*Qui autem perspexerit in legem perfectam libertatis*.'

701. *Servus Dei*. Nothing is more insisted on by the mediaeval publicists than that the king is only the representative of God. Cf.

'Rex . . . Dei vicarius et minister in terra,' Bracton passim. 'Reges Regi regum serviant domino, sed et leges dando pro ipso.' Hincmar, De Regis persona, c. xvii. (Migne, cxxv. col. 844.) 'Rex autem populum gubernando minister Dei est.' Aquinas Reg. Pr. i. c. x. In a collection of proverbs in MS. Digby 172, f. 84 v^o, we have

'Deo servire est regnare.'

703. *Et illius gloriam querat in regendo.* Cf. l. 481 and note there. Cf. Aegidius, De Reg. Princ. lib. i. pars i. cc. v-xii. A king must know and seek his own happiness (c. v), and it does not become him to put his happiness in pleasure (c. vi), riches (c. vii), honours (c. viii), glory or fame (c. ix), civil power (c. x), or bodily strength (c. xi), 'quod in amore Dei, et in actu prudentiae est ponenda foelicitas . . . Si agat quae ipse vult; si princeps est foelix diligendo deum debet credere se esse foelicem operando quod deus vult' (c. xii). Vincent of Beauvais, De Mor. Princ. Inst. c. ix, treats on this subject, quoting Fulgencius, 'Qui plus querit quam licet, minus erit'; and Ovid, 'obest sua gloria multis.'

704. *Non suam superbiam pares contempnendo.* 'Superbia' is among the worst vices of a king. Cf. note on l. 716 with illustrations there. *Pares contempnendo.* The original equality of all men is a familiar principle with mediaeval writers. Gregory VII, in a letter to Hermann of Metz, says, 'Quis nesciat reges et duces ab iis habuisse principium, qui, Deum ignorantes, superbia, rapinis, perfidia, homicidiis, postremo universis pene sceleribus, mundi principe diabolo agitante, *super pares, scilicet homines*, dominari caeca cupiditate et intolerabili praesumptione affectaverunt.' (Epist. lib. viii. ep. 21.) Hales, Summa Theologiae, Quaest. xlvii. M. i. Art. I, which treats of the justice of human rule, gives as his 'Resolutio': 'Hominem homini dominari justum est non conditione naturae, sed meriti imparitate.' Cf. Quaest. xxvii. Art. III. ad fin.: 'Lex naturalis dictat communem libertatem omnium ad statum naturae institutae. Sed secundum statum naturae corruptae dictat quod necessaria est servitus et dominium ad coercendum malum.' Somewhat similarly Bonaventure, In Libr. Sententiarum, Dist. xlv. Art. II. q. 2: 'Potestas dominandi, quatenus dicit potestatem coercendi subditos inest homini solum secundum statum naturae lapsae.' For by nature all men are equal. Both these writers quote Gregory the Great, Mor. xxi. 15. 2. 2, who says, 'Contra naturam superbiere est, ab aequalibus velle timeri.' Cf. V. Beauvais, De Mor. Princ. Inst. cc. ii. and iii, where it is laid down that all men were originally equal, and that kingship was due to the usurpation of Nimrod and others; whence all kings 'non in se potestatem debent ordinis, set equalitatem condicionis pensare.' Aegidius, De Reg. Princ. III. ii. 9, gives it as a mark of the true king 'nullum subditorum contemnere.'

707. *Sciat quod obsequium sibi non debetur.* Cf. Waltham; Comp. Mor., f. 108 vº 2, 'Justo dei iudicio, ut qui suis superioribus subesse nolunt, perdant subiectionem suorum inferiorum.' Mediaeval writers found a difficulty in reconciling resistance to established authority with such texts as Rom. xiii. 12, Titus iii. 1, 1 Pet. ii. 13. Aquinas held that laws were not just unless they were in accordance with the Divine Law, and, if they were not, might justifiably be resisted, if the resistance would not cause a greater evil, S. T. Iª. IIª. Quaest. xci. art. 4. In De Reg. Princ. I. c. vi. he discusses whether tyrannicide is ever justifiable, and decides that, despite certain instances in the Old Testament, it is not agreeable to Apostolic doctrine: 'Est autem hoc multitudini periculosum et ejus rectoribus si privata praesumptione aliqui attentant praesidentium necem.' At the same time, 'Si ad jus multitudinis alicujus pertineat sibi providere de rege, non injuste ab eadem rex institutus potest destrui, vel refrænari ejus potestas, si potestate regia tyrannice abutatur,' for in that case the king has not kept his pact with his people. Since, however, redress for misgovernment must be sought in conformity with law, unless the ruler is subject to some earthly authority, the people can only trust to God. It is this consideration which makes Aquinas prefer an elective to an hereditary monarchy. John of Salisbury held that tyrannicide was fully justifiable; it was not only lawful but obligatory to kill a tyrant, and any means, except poison, might be employed to obtain this object. Cf. Policraticus, viii. cc. xvii. and xviii.

Bonaventure, in answer to an objection that if all power was from God no ruler could be rightly deposed, admits that this would be so if God gave power 'simpliciter,' but power is granted only 'ad tempus'; 'secundum juris rectitudinem tam dominium quam potestatis privilegium meretur amittere, qui concessa sibi abutitur potestate.' In Lib. Sent. II. Dist. xlv. Art. II. q. 1. And again he says, 'Christiani terrenis dominis sunt obligati, non tamen in omnibus sed solum in his quae non sunt contra Deum, et quae secundum rectam consuetudinem rationabiliter statuta sunt.' Id. Art. III.

713. *In illas se faciat ut unum ex illis.* Cf. Eccli. xxxii, 'Rectorem te posuerunt, noli extolli; sed esto in illis quasi unus ex illis.' Thus quoted by several writers; but the Vulgate has 'unus ex ipsis.'

714. *Saltantam respiciat.* Cf. 2 Reg. vi. 16, 20.

716. *Vir prudens et humilis.* Two of the qualities most required in a king are 'prudencia' and 'humilitas.' Cf. PÉRAULT, De Erud. Princ. lib. 1. c. vi, 'Quod principibus superbia est cavenda et timenda, et humilitas amanda. . . . Onerosa est superbia principis subditis. . . . In dignitate positum plus debet magnitudo oneris, quod habet supra se ad humilitatem inclinare, quam altitudo honoris in superbiam elevare. Eccli. iii. 20, *Quanto major es, humilia te in omnibus.* Super omnia

eos qui praesunt, debet ad humilitatem inducere Christi humilitas, qui regum est rex et caput ecclesiae, qui humillimus fuit.' AEGIDIUS refers to the need of the true king for these virtues in a number of passages: I. Prudentia. 'Maxime Deus requirit a regibus et principibus ut per prudentiam et legem populum sibi commissum juste et sancte regat: regibus ergo . . . ponenda est foelicitas in actu prudentiae.' De Reg. Princ. lib. i. pars i. c. xii. Kings must be prudent for these reasons: (1) 'Est nam regis officium ut suam gentem regat et dirigat in debitum finem . . . Regere autem alios et dirigere ipsos in finem debitum fit per prudentiam.' (2) 'Rex prudentia carens non reputabit nisi sensibilia bona. . . Efficietur ergo depraedator populi.' (3) 'Ut rex naturaliter dominetur, oportet quod polleat prudentia et intellectu.' Id. lib. I. ii. c. vii. II. Humilitas. 'Quod humilitas dici debet honoris amativa, et omnis magnanimus est honoris amativus, honoris amativa est quadam humilitas, omnis magnanimus est humilis.' (Unless the 'magnanimus' was 'humilis' we should not teach our princes virtues, for without humility there can be no virtues.) Kings should be 'humiles' because: (1) 'Nullus est vere magnanimus nisi sit bonus et humilis.' (2) 'Ut plurimum enim superbi et ultra rationem excellentiam querentes se et alios exponunt periculis . . . Superbus dominus periclitator populorum.' Id. lib. I. ii. cc. xxv, xxvi. VINCENT OF BEAUVAIS has several chapters on the king's need of wisdom, in the De Morali Principum Institutione. As the king excels other men in power, so also ought he to excel them in wisdom and goodness: the power of the Father, the wisdom of the Son, and goodness of the Holy Spirit, c. x. 'Quod eciam debet alios in sapientia praecellere;' in support of this he quotes Wisdom vi. 26, Prov. viii. 16, Eccli. x. 1-3. The king has to show wisdom in a variety of matters. 'In moribus suis componendis. In subjectis populis disponendis. In consiliis dandis et accipiendis,' etc., c. xi (f. 101 v°). These various spheres for the exercise of wisdom are further discussed, cc. xii-xv. Finally, he says the king requires wisdom 'non solum propter seipsum set propter regimen subditorum' (f. 107 r°). It is also similarly treated in Speculum Doctrinale, viii. c. xvii, 'De studiis principis vel sapientia.' In chapter xv of the same work Boetius is cited as quoting Plato on the advantage of having 'sapientes' for 'reges.' Chapter xviii is 'De humilitate principis ac pietate,' (the authority here is John of Salisbury through Helinandus); all excess is bad, 'Nimia humilitas maxima pars superbiae est.' In chapter xv it was stated that the king must be free 'ab omni ambitione, superbia,' etc. Similar passages might easily be added.

The favourite quotations to show the need of 'sapientia' or 'prudentia' are: 'Rex sapiens populi stabilimentum,' Sap. vi. 26; 'Rex insipiens perdet populum suum,' Eccli. x. 3. Cf. Eccli. xxxvii. 26. 'Per me reges regnant et conditores legum justa decernunt,' Prov. viii. 16 (perhaps the commonest of all). On 'humilitas' or 'superbia,' 'Sedes ducum superbo-

rum destruxit Deus,' Eccl. x. 17, is a favourite one. Roger of Waltham, Comp. Mor. f. 109 r^o 1, quotes, 'Ubi fuerit superbia ibi contumelia erit, ubi autem humilitas ibi sapientia,' Prov. xi. 2. Cf. also Prov. xvi. Almost all writers make use of the old saying, 'Rex illiteratus asinus coronatus,' which is commonly assigned to Fulk of Anjou (cf. Miss Norgate's England under the Angevin Kings, i. p. 114), but which they give as the saying of 'quidam Rex Romanorum' to a king of France; an ascription which is perhaps due to John of Salisbury (Policraticus, iv. 6, the probable source of a good deal which Helinandus and the writers who followed him have to say on the subject). There is a section in the Pseudo-Aristotelian De Secretis Secretorum, 'De prudentia regis,' and Walter of Milemet in the address prefixed to a version of this work (MS. Ch. Ch. Oxford), transcribed and illuminated by him for presentation to Edward III, dwells on the need of learning for a king. Cf. also Bracton, III. ix. § 3. And on the king's need of wisdom see the Anglo-Saxon tracts and verses in Wright's notes to the Song, pp. 364-366. Cf. lines 704, 757, 946.

719. *Et ipsius quereretur salutis profectum.* Cf. note on line 893.

723. *Principis conterere non est, set tueri.* For this and the following line see quotations in notes to lines 698 and 893. Cp. Vincent of Beauvais, De Mor. Princ. Inst. c. x, where he quotes Prov. xx. 28, 'Misericordia et veritas custodiunt regem, et firmabitur clemencia tronus ejus.' This is also quoted in Roger of Waltham, f. 29 r^o 1.

729. *Si princeps amauerit debet reamari, etc.* With this and the two following lines compare John of Salisbury, Policraticus viii. 17, 'Imago deitatis princeps amandus venerandus est et colendus; tyrannus pravtatis imago plerumque etiam occidendus.' Cf. Aquinas, De Reg. Princ. I. x, 'Boni reges dum communi profectui studiose intendunt et eorum studio subditi plura commoda se assequi sentiunt, diliguntur a plurimis, dum subditos se amare demonstrant.'

732. *Ab hijs, quos grauauerit iniuste, negari.* The writer reserves to the people the right of deposing the king if he is incorrigible; no doubt he would have in mind the action of the barons in calling in Lewis against John, and their threat to choose a new king in 1233 (M. Paris, iii. 245), whilst he may have been personally acquainted with the scheme by which it is stated that in 1260 it was proposed to displace Henry by his son Edward. On the general question of the right of resistance see note on line 707 above. The writer has already quoted the case of Saul as showing that a king who broke the law might be removed from his office. Cf. l. 446.

739. *Si princeps putauerit, universitate Quod solus habuerit plus de ueritate, etc.* This expression of approval for the rule of the wise man is perhaps derived—indirectly of course—from Aristotle, Politics, iii. 17, *ὅταν οὖν ἡ γένος ὅλον ἢ καὶ τῶν ἄλλων ἓνα τινὰ συμβῇ*

διαφέροντα γενέσθαι κατ' ἀρετὴν τοσοῦτον ὥσθ' ὑπερέχειν τὴν ἐκείνου τῆς τῶν ἄλλων πάντων, τότε δίκαιον τὸ γένος εἶναι τοῦτο βασιλικὸν καὶ κύριον πάντων καὶ βασιλεῖα τὸν ἕνα τοῦτον. Cp. also bk. iii. c. 13.

753. *Ego te perficiam populo maiori*, etc. Cf. Exodus xxxii.

757. *princeps sapiens nunquam reprobabit Suos, set insipiens regnum conturbabit*. Cf. Sap. vi. 26, 'Rex sapiens populi stabilitamentum'; Eccli. x. 3, 'Rex insipiens perdit populum suum.' See as to need of 'sapientia' for 'princeps' note on l. 716 above.

765. *Igitur communitas regni consulatur*. To judge from this, and from the whole tenor of the passage down to l. 811 (cf. esp. 793-9), the writer took a large view as to those who were entitled to have a voice in the administration of the country; such a view in short as it was natural for a supporter of Earl Simon to hold. But there are other passages in which he rather appears to regard the barons and magnates as being the natural and proper representatives of the realm; cf. l. 540, 'Non sine baronibus tunc reformaretur'; ll. 595-8, 'Tunc regni magnatibus cura deberetur,' etc.; ll. 921-5, 'Vnde si dilexerit rex regni magnates,' etc.

We may also compare a well-known passage in the Prologue to Piers Plowman:

'Thanne come there a king . knyghthood hym ladde,
Migt of the communes . made him to reyne,
And thanne come kynde wytte . and clerkes he made,
For to conseilte the kyng . and the commune saue.'

B. Text, 112-115.

780. *tales regis fiant Et consiliarij et coadiutores*. Cf. l. 808, where it is stated that the king's counsellors must be 'optimi et electi uiri Atque probatissimi qui possint inquire.' Chapter xii. of Vincent of Beauvais, *De Mor. Princ. Inst.*, is devoted to the choice of counsellors, 'Rex debet assumere jam probatos, non probare jam assumptos.' 'Nihil magis in consiliario debes requirere quam bonitatem ac fidem.' He also quotes the Epistle of S. Bernard to Pope Eugenius III. De Cardinalibus, 'Quod de toto regno et imperio meliores consilarii sunt eligendi totum regnum iudicaturi; eligendi sunt autem homines maturi non veloces et impetiosi' (f. 102 v°). Pérault, *De Erud. Princ.* iv. c. ii, 'Debet princeps collaterales suos ad amorem justitiæ multum monere, ad quam justitiam duo obtinent, scilicet nulli nocere, et communem utilitatem quaerere.' Cf. also Aquinas, *De Reg. Princ.* II. viii. and x. See also note on l. 657 above.

786. *Gaudenti congaudeant*. Cf. I Cor. xii. 26, 'Si quid patitur unum membrum, compatiuntur omnia membra; sive gloriatur unum membrum, congaudent omnia membra.' And Rom. xii. 15, 'Gaudet cum gaudentibus, flet cum flentibus.'

787. *Nobile iudicium regis salomonis.* Cf. 3 Reg. iii. 16-28.

797. *Multorum regimini non est cooptatus, etc.* Cf. notes on ll. 476 and 893.

801. *cordis indurati.* Cf. Exod. xi. 10, 'Induravit Dominus cor Pharaonis.'

809. *gubernacio regni . . . cunctorum Salus.* In the first chapter of the *De Regimine Principum* Aquinas commences by stating that all things which aim at an end require guidance to reach that end; all men work to an end, though in different ways, and therefore require guidance. If man lived alone he would need no guidance ('sed ipse esset rex sub Deo summo rege'); man is however by nature political and social. 'Si ergo naturale est homini, quod in societate multorum vivat, necesse est in hominibus esse, per quod multitudo regatur.' So Solomon, 'Ubi non est gubernator dissipabitur populus.' (The quotation is from Prov. xi. 14, 'Ubi non est gubernator, corrumpit populus; salus autem ubi multa consilia.') Vincent of Beauvais, *De Mor. Princ. Inst.* c. iii, says that, though founded on evil, royal authority is to be retained, God has turned the evil to the good of mankind: 'Si homo homini non preesset, per defectum justicie genus humanum sese cede laceraret' (f. 92 v^o).

817. *Si de regno quispiam non recte se regit.* In the following lines (817-841) a reply, which is in full accord with sound policy and principles of government, is offered to the extraordinary assertion attributed to the king, 'sibimet nocenti Rex non aduersabitur, cur conditionis Peioris efficitur princeps, si baronis, Militis et liberi res ita tractantur,' ll. 510-513. Aquinas, when dwelling on the need of governance, and the ruin which follows on its absence, says, 'Hoc autem rationabiliter accidit; non enim idem est quod proprium et quod commune.' *De Reg. Pr. i. c. i. Cp. esp. ll. 829-831.*

833. *Nec libertas proprie debet nominari, etc.* Cf. Bracton, I. vi. § 2, 'Est autem libertas naturalis facultas ejus quod cuique facere libeat, nisi quod jure aut vi prohibetur.'

844-5. *nulli . . . licere Quicquid vult, set dominum quemlibet habere.* That every man should have a lord who should be responsible for him had long been a principle of English law. Cf. *Laws of Athelstan*, Conc. Greatanlea, 2. *Of lordless men*: 'And we have ordained respecting those lordless men of whom no law can be got, that the kindred be commanded that they domicile him to folk-right, and find him a lord in the folk-mote.' And Conc. Cant. cap. 7, 'Septimum, ut omnis homo teneat homines suos in fidejussione sua contra omne furtum.' (*Select Charters*, p. 66.) Edmund, Conc. Culinton. 7, 'Ut quisque homines suos faciat credibiles, et de infamatis, et haec praecepta negligentibus.' (Ib. p. 67.) *Laws of Edward Confessor*, xxi, 'Archiepiscopi, episcopi, comites, barones et milites suos et proprios servientes suos . . . sub suo frithborgo habeant; . . . quod si ipsi foris facerent,

et clamor vicinorum insurgeret de eis, ipsi haberent eos ad rectum in curia sua, si haberent sacham et socham, tol et theam, et infangenethef.' (Ib. p. 78.) See also Laws of William I, §§ 3 and 8 (ib. p. 84). Laws of Henry I, viii. § 3 : 'Omnis dominus secum tales habeat qui ei iustitiales sint, tanquam eos si peccaverint ad rectum habiturus, vel pro eis forsitan rationem habiturus.' (Ib. p. 106.) See also Laws of Henry I, lv. etc. (l. c.).

848. *Legem quoque dicimus regis dignitatem Regere.* The writer now turns to develop his theory of the true relation of the king to the law, and the consideration of this question occupies over forty lines (848-890). This passage must not be considered without reference to the previous one (ll. 443-458), in which he has already touched on the subject, and the passage (ll. 639-700) which treats of the relation of the king to God. The whole theory, as set forth in these passages, is one that is found in many mediæval writers, and is based on the omnipotence of God and the derivation of all human power from him.

Before proceeding to give any passages in illustration of the theory, it will be well to shortly sketch the philosophy of law on which it depends, following for this purpose the argument of Aquinas. Law is a rule and measure of acts according to which each man has to act or not to act. Laws are of different kinds—eternal, natural, human, or divine. The eternal law is simply the reason of the Divine Wisdom, and from it all other forms of law are derived. The natural law is the participation of the eternal law in the rational creature. If the human law is not in accordance with the natural law it is not law, but the corruption of law. Furthermore, as human judgment is liable to err, there must be a divine law, which will not regard the outward acts, but the inward springs of action. If then human law must thus find its ultimate basis in the eternal law which proceeds from the Divine Wisdom, how can it be said that the prince's will is law? For the maxim '*quod principi placuit legis habet vigorem*,' seems to be based not on reason, as must all rule and measure be, but on the will and pleasure of a single man. Therefore for this will to have the force of law it must be regulated by reason. (In other words, by the influence of the Divine Wisdom, which is thus the source of all law.) This is from *Summa Theol.* 1^a 2^{ae} qq. xc. 1. xci. xciv. and xcv. 2. Cf. especially the following: '*Aliquis vult finem; ratio imperat de his quæ sunt ad finem. Sed voluntas de his quæ imperantur, ad hoc quod legis rationem habeat, oportet quod sit aliqua ratione regulata; et hoc modo intelligitur quod voluntas principis habet vigorem legis: alioquin voluntas principis magis esset iniquitas quam lex*,' q. xc. 1. And: '*Augustinus dicit in 1. de Lib. Arb. c. 5, "Non videtur esse lex quæ justa non fuerit"; unde in quantum habet de iustitia, in tantum habet de virtute legis. In rebus autem humanis dicitur esse aliquid justum ex eo quod est rectum secun-*

dum regulam rationis. Rationis autem prima regula est lex naturae. Unde omnis lex humanitus posita in tantum habet de ratione legis, in quantum a lege naturae derivatur. Si vero in aliquo a lege naturali discordet, jam non erit lex, sed legis corruptio,' q. xcv. 2. And Aug. de Lib. Arb. c. 6, 'In temporali lege nihil est justum ac legitimum, quod non ex lege aeterna sibi derivaverint,' ap. Summa Theol. I^a. II^o xciii. a. 3. Such a philosophy of law, combined with the primary principle that God is the source of all earthly authority, gives us the theory here put forward. The king is only the representative of God on earth (ll. 641, 642, 701), and no law is just which is contrary to the law of God, therefore no commands given by a king have the force of law if they are contrary to the law of God, which it is the king's office to administer; thus the maxim 'quod principi placuit legis habet vigorem' falls to the ground unless interpreted with this proviso.

Most writers of course further extend the theory to include the subjection of the temporal to the spiritual power, and to justify the fullest claims of the papacy. It is noteworthy that there is no such extension here. This is indeed but natural in a champion of that party against which the papal influence was almost always cast, but is important since it marks the responsibility of the king under the divine law as due not to pope nor to any spiritual authority, but to his people, whose interest he is by that law bound to observe. This theocratic theory of sovereignty originated in the claims of the ecclesiastical power to have supremacy over the civil, and its first appearance follows shortly on the commencement of papal aggrandisement. HINCMAR, who, if in some respects opposed to the popes, was a champion of ecclesiastical authority in the fullest sense, writes as follows: 'Dicunt quoque aliqui sapientes, quia iste princeps rex est, et nullorum legibus vel judiciis subjacet, nisi solius Dei, qui eum in regno . . . constituit.' This, however, he says, is not Catholic and Christian doctrine, and is only true if he whom one calls king is so truly; that is to say, if he rules himself according to the will of God, directing the good into the right way and bringing the bad out of the evil way; of such a king it is true to say that he is not subject to the law. (De Div. Loth. quaest. vi. Migne cxxv. col. 756-7, see further quotation in note to l. 698 above.)

JOHN OF SALISBURY says: 'Princeps tamen legis nexibus dicitur absolutus, non quia ei iniqua liceant, sed quia is esse debet, qui non timore poenae, sed amore justitiae aequitatem colat, reipublicae procuret utilitatem, et in omnibus aliorum commoda privatae praeferat voluntati. Sed quis in negotiis publicis loquetur de principis voluntate, cum in eis nil sibi velle liceat, nisi quod lex aut aequitas persuadet, aut ratio communis utilitatis inducit? Ejus namque voluntas in his vim debet habere judicii; et rectissime quod ei placet in talibus legis habet vigorem, eo quod ab aequitatis mente ejus sententia non discordet.' Policraticus, iv.

c. 2. And again, 'Quod divinae legis auctoritate constat principem legi justitiae esse subjectum. . . . At ne ipsum principem usquequaque solum legibus opineris, audi quam legem imponit principibus Rex magnus super omnem terram terribilis. (Cf. Deut. xvii.) . . . Numquid, quaeso, nulla lege arctatur, quem lex iste constringat.' Id. iv. c. 4.

'Procedant nunc dealbatores potentum, susurrent, aut si hoc parum est, publice praeconentur principem non esse legi subjectum, et quod ei placet, non modo in jure secundum formam aequitatis condendo, sed qualitercunque legis habere vigorem. Regem, quem legis nexibus subtrahunt, si volunt, et audent, exlegem faciant, ego non modo his renitentibus, sed mundo reclamante, ipsa hac lege teneri confirmo. . . . Nec tamen dispensationem legis subtraham manibus potestatum, sed perpetuam praeceptionem, aut prohibitionem habentia, libito eorum nequaquam arbitror supponenda. In his itaque dumtaxat quae mobilia sunt, dispensatio verborum admittitur; ita tamen ut compensatione honestatis aut utilitatis, mens legis integra conservetur' (Id. iv. c. 7); cf. also 'Qui legibus regit princeps est' (Id. viii. c. 17).

S. THOMAS AQUINAS has an important passage in which he bases the subordination of the king to the law on different and more logical grounds. 'Jurisperitus (Ulpianus) dicit lib. 1. ff. tit. 3 de Legibus et Senatus cons., quod "princeps legibus solutus est." Qui autem solutus a lege non subditur legi.' To this he replies as follows: 'Ad tertium dicendum quod princeps dicitur esse solutus a lege quantum ad vim coactivam legis; nullus enim proprie cogitur a seipso; lex autem non habet vim coactivam nisi ex principis potestate. Sic igitur princeps dicitur esse solutus a lege quia nullus in ipsum potest iudicium condemnationis ferre, si contra legem agat. Unde super illud Psalm. 50: "Tibi soli peccavi, etc." dicit Glossa ord., "quod rex non habet hominem qui sua facta dijudicet." Sed quantum ad vim directivam legis princeps subditur legi propria voluntate, secundum quod dicitur extra de Constitutionibus, cap. "Cum omnes: Quod quisque juris in alterum statuit, ipse eodem jure uti debet. Et Sapientis dicit auctoritas." (Catonis in Rudiment.): "Patere legem quem ipse tuleris." Et in codice lib. 4 de Legibus et Constit. Theod. et Valentin. imp. Volusiano praefecto scribunt: "Digna vox est majestate regnantis, legibus alligatum se principem profiteri: adeo de auctoritate juris nostra pendet auctoritas. Et revera majus imperio est subicere legibus principatum." Improprietatur etiam hic a Domino, "qui dicunt et non faciunt, etc." Unde quantum ad Dei iudicium, princeps non est solutus a lege quantum ad

¹ John of Salisbury seems to be the first to thus interpret the maxim, and from him Vincent of Beauvais apparently obtained it through Helinandus, and I suppose also Bracton. See below, p. 135.

vim directivam ejus, sed debet voluntarius non coactus legem implere.' Summa Theologiae, I^a. II^{ae}. q. xcvi. a. 5.

There is not, I think, any special reference to the subject in that part of the De Regimine Principum which comes from Aquinas' own hand, but his continuator, lib. iv. c. 1, says: 'In regum pectore sunt leges reconditae prout casus occurrunt, et pro lege habetur quod principi placet, sicut jura gentium tradunt; sed de rectoribus politicis non sic reputatur.' Apparently, therefore, he accepted the doctrine in its literal sense.

VINCENT OF BEAUVAIS, besides quoting John of Salisbury, Polic. iv. 2, as above in Spec. Doct. viii. 22, says in the De Mor. Princ. Inst. c. xv: 'Leges principis non possunt rectificari nisi ex lege divina, itaque non licet principi leges statuere pro voluntate sua'; and quotes Helinandus, 'Humanae leges eatenus valent, quatenus a divinis non discrepant; alioquin falsum est quod in lege scriptum est; "*Quod principi placuit legis habet vigorem*." Non enim illi debet placere nisi quod justum est et a Deo acceptum. Ipsis quoque legibus humanis indicitur ne principes sanctos canones mutare dedignentur, quia inutilis est omnis constitutio principis si non sit ecclesiasticae disciplinae conformis' (f. 105 v^o): also quoted by Waltham, Comp. Mor. f. 50. v^o. 1.

The same explanation of this maxim is given very plainly by BRAC-
TON: 'Nihil enim aliud potest rex in terris cum sit Dei minister et vicarius, nisi id solum quod de jure potest; nec obstat quod dicitur, *quod principi placet legis habet vigorem*, quia sequitur in fine legis, cum lege regia, quae de imperio ejus lata est, id est non quicquid de voluntate regis temere praesumptum est, sed animo condendi jura, sed quod consilio magistratuum suorum, rege auctoritatem praestante, et habita super hoc deliberatione et tractatu, recte, fuerit definitum. Potestas itaque sua juris est, et non injuriae, et cum ipse sit author juris, non debet inde injuriarum nasci occasio, unde jura nascuntur, et etiam qui ex officio suo alios prohibere necesse habet, id ipsum in propria persona committere non debet. Exercere igitur debet rex potestatem juris, sicut Dei vicarius et minister in terra, quia illa potestas solius Dei est, potestas autem injuriae diaboli et non Dei, et cujus horum opera fecerit rex, ejus minister erit cujus opera fecerit. Igitur dum facit justitiam vicarius est Regis Aeterni, minister autem diaboli dum declinet ad injuriam. Dicitur enim rex a bene regendo et non a regnando quia rex est dum bene regit, tyrannus dum populum sibi creditum violenta opprimit dominatione. Temperet igitur potentiam per legem, quae fraenum est potentiae, quod secundum leges vivat,' etc. (De Legibus, III. ix. §§ 2, 3). He then quotes from the Codex the same passage as Aquinas uses in the extract given below. Cf. also Bracton, I. viii. 5: 'Ipse autem rex, non debet esse sub homine, sed sub Deo et sub lege, quia lex facit regem. Attribuat igitur rex legis quod lex attribuit ei, videlicet dominationem et

potestatem, non est enim rex, ubi dominatur voluntas et non lex. Et quod sub lege esse debeat, cum sit Dei vicarius, evidenter apparet ad similitudinem Jesu Christi, cujus vices gerit in terris,' etc. See also quotations in note on line 630.

The interpretation which was thus put on this maxim of the Civil Law, was adopted by Fleta (lib. 1. c. xvii. § 7), and Thornton, quoted by Selden (Dissertatio ad Fletam, c. 3. § ii). Selden remarks that he read it 'non sine stupore'; he justly observes the important bearing of this interpretation on the theory of royal power in England as showing in the clearest manner how these writers regarded it. Selden also points out that this interpretation is utterly opposed to that given by Greek and Latin writers, whom he cites at length. A comparison of Bracton with Glanville supplies us with an indication of the time when this doctrine passed into English legal theory, for the latter writer in the Prologus to his work, *De Legibus Angliæ*, says: '*Leges Anglicanas, licet non scriptas, leges appellari non videtur absurdum, cum hoc ipsum lex sit quod principi placet, et legis habet vigor est eas scilicet quas super dubiis in consilio et principis accedente autoritate constat esse promulgatas.*' Even here there is a recognition of a constitutional check on the king's legislative power, but there is no hint of the interpretation which was given to the maxim in the next century. The struggle with John and the minority of Henry III were in this respect, as in so many others, the birthtime of constitutional doctrine. Later on one of the articles of accusation against Richard II accused him with having said that 'his laws were in his own mouth, and often in his own breast, and that he alone could change and frame the laws of the kingdom¹.' Fortescue (*De Laudibus*) declared that the king of England, as being a '*rex politicus*,' had no power to change the laws without the assent of Parliament. This was fully recognised by the Lancastrian kings. Cf. Year Book xix Henry VI: '*La ley est le plus haute inheritance, que le roy ad; car par la ley il meme et toutes ses sujets sont rulés, et si la ley ni fuit, nul roy et nul inheritance sera.*' See Prof. Dicey's *Law of the Constitution*, Lecture V, where he lays emphasis on the Rule of Law as one of the two most characteristic features of English political institutions. Even at the end of the Tudor period Hooker could write, '*Lex facit regem*; the King's grant of any favour made contrary to the law is void; what power the King hath he hath it by law, the bounds and limits of it are known.' No doubt Hooker is referring, directly or indirectly, to Bracton, whose supposed authority (i. e. the passage given

¹ In a collection of proverbs in MS. Digby, 172. f. 84 v^o, which MS. is of about this date, we have these lines:

'Decet regem discere legem,
Audiant rex quod precipit lex.'

in note to l. 630, q. v.) was quoted by Bradshaw in the trial of Charles I.

849. *legem lucem.* Cf. Prov. vi. 23, 'Quia mandatum lucerna est, et lex lux.'

851. *Lex . . . ignea.* Cf. Deut. xxxiii. 2, 'In dextera ejus ignea lex.'

853. *lucet, urit, calet.* Cf. l. 875 and note on l. 874.

858. *Sancta lex.* For this and the following lines dwelling on the necessity for the observance of the Law of God—*Lex Eterna* and *Lex Divina*—by the king in his office cf. quotations in note on l. 848 above.

859. *Istam sapienciam salomon petiuit.* Cf. 3 Reg. iii.

865. *per me regnant reges, etc.* Cf. Prov. viii. 15, 'Per me reges regnant, et legum conditores justa decernunt.'

869. *Si conformis fuerit huic legi stabit.* Aquinas quotes S. Augustine, 'In temporali lege nihil est justum ac legitimum quod non ex lege aeterna sibi derivaverint.' It is a principle on which John Walleys, like our writer, an Oxford Franciscan, constantly dwells: 'Debet esse princeps justus, leges divinas servando et alios ad earum observantiam quantum ad eum spectat cogendo; et nullas alias statuendo nisi illis conformes, et ab illis regulatas; quod omnium legum inanis est censura nisi divine legis imitationem gerant.' *Summa*, Pars I. Dist. i. c. 3. 'Princeps enim est vicarius et imago Dei in terris; ideo Deo conformior esse debet.' *Id.* Pars I. Dist. vi. c. 8.

871. *ut rex vult lex vadit.* Compare notes on ll. 502 and 848 above.

874. *Veritas et caritas zelusque salutis Legis est integritas.* This elaborate interpretation of the text quoted in l. 851 is probably not original, but I have not been able to discover its source. The nearest parallel which I can find is in the *Glossa Ordinaria* of Walafridus Strabo, which was the most popular mediaeval commentary: '*In dextera ejus ignea lex.* Tabulae scilicet, in quibus lex quae purgat et urit peccata. Dextera quoque Patris est Filius qui attulit legem charitatis dicens, "Ignem veni mittere in terram, etc." Luc. xii. . . . In hac dextera lex ignea, id est, caritas a spiritu sancto in electorum cordibus inflammata' (Migne, cxiii. col. 494). Other comments, as those of Rabanus Maurus (Migne, cviii. 981), Bruno of Asti (*Id.* clxiv. 453), Rupertus Titiensis (*Id.* clxvii. 982) are merely variations of this.

885. *recalcitratio stimulo non nocet.* Cf. Act. Ap. ix. 5, 'Durum est tibi contra stimulum calcitrare.'

893. *rex nihil proprium preferat communi.* The true king will seek not his own but his people's weal, and the doing so is one of the marks which distinguishes the constitutional monarch—*rex* or *princeps*—from the despotic—*tyrannus*. John of Salisbury, *Policraticus*,

viii. 17, says, 'Princeps pugnat pro legibus et populi libertate: tyrannus nihil actum putat, nisi leges evacuet et populum devocet in servitutem.' And 'Obtineat ergo in principe, quod debet in omnibus obtinere, nemo quae sua sunt quaerat sed aliorum.' Id. iv. 8. See also the quotation from Polic. iv. 2 in note on l. 848. Aquinas, De Reg. Princ. i. 1, 'Si vero non ad bonum commune multitudinis, sed ad bonum privatum regentis ordinetur erit regimen injustum atque privatum; unde et Dominus talibus rectoribus cominatur, Exechielem dicens; Vae pastoribus, qui pascebant semetipsos, quasi sua propria commoda quaerentes. . . . Si igitur regimen injustum per unum tantum fiat, qui sua commoda ex regimine quaerat, non autem bonum multitudinis sibi subjectae, tyrannus vocatur. . . . Ex quo manifeste ostenditur quod de ratione regis est, quod sit unus qui praesit, et qui sit pastor commune multitudinis bonum et non suum commodum quaerens.' See also Id. i. c. 10. So his continuator in lib. iii. c. 11, 'Regnum non est propter regem sed rex propter regnum, quia ad hoc Deus providit de eis ut regnum regant et gubernent, et unumquemque in suo jure conservent: et hic est finis regiminis: qui si ad aliud faciunt in seipsos commodum retorquendo non sunt reges sed tyranni.' Aegidius, in De Reg. Princ. lib. III. ii. 9, where he describes the characteristics of the true king, says: 'Est autem primum quod spectat ad verum regem facere, ut maxime procuret bona communia et regni redditus studeat expendere in bonum commune vel in bonum regni.' Cf. also I. i. 13. Vincent of Beauvais, De Mor. Princ. Inst. c. iii. see above note on l. 480. This principle may be compared with Aristotle, Politics, iii. 7, καλεῖν δ' εἰλόθαμεν τῶν μὲν μοναρχιῶν τὴν πρὸς τὸ κοινὸν ἀποβλέπουσαν συμφέρον βασιλείαν. No doubt it was from Aristotle that Aquinas and Aegidius obtained it; previous writers probably from Cicero, perhaps from De Officiis, iii. 5, 'Quando vero omnes intendunt communem utilitatem reipublicae; nec aliquis vult nocere alteri propter proprium commodum, stabilis est respublica.' This passage is quoted by John Walleys, in his Summa de Regimine Vitae humanae, Pars I. Dist. i. c. 9.

In Piers Plowman, C Text, Passus iv. 377-382, we have—

'Ac relacion rect · is a rightful custome,
As, a kyng to cleyme · the comune at his wille
To folwe hym, to fynde hym · and fecche at hem hus consail,
That hire loue thus to him · thorw al the londe a-corde,
So comune cleymeth of a kyng · thre kynne thinges,
Lawe loue and leaute.'

Cf. l. 719 above, and ll. 893-896 below, where the duty which the king owes to the community is again dwelt on.

901. Qui vult sibi uiuere non debet preece. Cf. l. 480 and note there.

910. *Quod uacantem proprio status regis latet.* Cf. note on l. 893. The following may also be added: '*Reges vacantes communi bono si non transgrediantur cum possint transgredi maioris meriti esse videntur; dicemus autem vacantes communi bono, quia si bono communi non vacarent, non oportet eos esse maioris meriti.*' Aegidius, *De Reg. Princ.* l. i. c. 13.

911. *caritas.* Cf. above ll. 875-884, and below l. 917.

922. *Quamuis solus sciuerit, etc.* Even the wise prince is not to act independently of his magnates; but cf. ll. 740-746.

926. *Preter quos non poterit, id quod ordinabit Ad effectum ducere.* On the constitutional rights which the Great Council at this time possessed, cf. note on ll. 587-602.

930. *A quibus auxilia suplex postulabit.* This is the only allusion in the poem to those financial difficulties which immediately led to the crisis of the Barons' War. Although there is no enunciation of the doctrine that redress of grievances must precede a grant of supplies, the writer goes as far as any of the constitutional party had done during this reign, viz. he claims that the Council is entitled to be consulted as to the objects on which the money is to be spent. It is true the Great Charter had declared that the king might not impose any general tax without the consent of the nation expressed by the common council of the tenants in chief; but this article was allowed to drop when the charter was reissued, and there was no check on Henry except that of his own weakness. Grants were however generally made in the Council, but there were other means by which the king could procure supplies of money, as, for instance, the tallage on towns in the royal demesne, grants from the clergy which he was able to secure with the pope's aid and connivance, e. g. in 1219, 1229, and especially in 1252, when the clergy had reluctantly to concede a tenth for three years, and in 1257, when he obtained 52,000 marks; further he had large revenues from the profits of escheats, wardships, fines, vacancies in sees, abbacies, and the like, besides the less legitimate proceeds of extortion from the Jews and Londoners, or of begging from the abbies and prelates. As for those grants which were commonly made in the council, we have two instances early in the reign both of hidage (1217 and 1218) and carucage (1218 and 1220); but the usual method was by scutages or aids levied on moveables. Of the former class we have those of Biham 1220, and Bedford 1224, to quell domestic disturbances, of 1223, 1229, 1232, and 1246 for Welsh wars, of 1230 and 1231 in connection with the expedition to Poitou, in 1242 for the Gascon expedition, all for regular warlike purposes, besides three others in 1235 on Isabella's marriage, 1245 on his daughter's marriage, and in 1253 on the knighting of his son. The aids were a thirteenth in 1217, a fifteenth in 1225, a fortieth in 1232, and a thirtieth in 1237. Although the grants were often for

specific purposes there was no machinery to secure its proper expenditure, and in 1237 a royal proposal to make such provision was not accepted. The Council, however, showed its independence by refusing grants in 1242, 1248, 1255, and 1258; generally on the grounds that the king had ample revenues, which he had misused. But the plea that they had not been consulted also comes forward in 1242, when the magnates expressed their surprise that the king had entered on so perilous an undertaking as the Gascon war without asking their assent or advice. (M. Paris, iv. 181-184.) In 1255 we have the remarkable offer of a grant conditionally on the king consenting to observe the charters and appoint proper ministers. (M. Paris, v. 494.) Finally we come to 1258, when Henry appealed for aid to meet the expenses which he had incurred by his Sicilian engagement; the barons in reply gave an answer which exactly illustrates our text: if the king had without advice or propriety obtained the kingdom of Apulia for his son, he must bring the matter to the best conclusion that he could, since he had acted unwisely and without taking counsel of his nobles. (M. Paris, v. 680.)

932. *fouet unitatem*. Cf. Aquinas, De Reg. Princ. i. 2. The aim of all good government is to seek the commonweal. 'Bonum autem et salus consonatae multitudinis est, ut ejus unitas conservetur, quae dicitur pax, qua remota socialis vitae perit utilitas. . . . Hoc igitur est ad quod maxime rector multitudinis intendere debet, ut pacis unitatem procuret.' There should also be community of feeling between governor and governed. Cf. De Reg. Princ. i. 10: 'Dum enim principes commune bonum non quaerunt, sed proprium, sit parva vel nulla communio eorum ad subditos.'

934. *Hijs qui suam gloriam possunt augmentare*. I.e. to his native-born counsellors, not to aliens. Cf. ll. 298-304.

937. *Atque quasi nescius a suis quaesivit*. Cf. Joh. vi. 5, 6: 'Jesus dixit ad Philippum, "Unde ememus panes ut manducent hi?"' Hoc autem dicebat tentans eum; ipse enim sciebat quid esset facturus.'

939. *O si dei quererent principes honorem*. Cf. notes on ll. 481 and 703.

941. *Si dei noticiam principes haberent*. Cf. Vincent of Beauvais, De Mor. Princ. Inst. c. xv, which is styled 'Quod etiam esse sapiens in scripturis maximeque divinis,' and from which comes the following: 'Quod neminem magis decet meliora vel plura quam principes nosse, cujus doctrina potest omnibus subjectis prodesse. . . . Cum non nisi per divinam scripturam possit perfecte mores suos regere.' Cf. further quotations from the same chapter in note on l. 848 above.

945. *Qui se nescit regere multos male reget*. Cf. Seneca, Ep. 80, 'Quomodo regere potest, qui regi non potest.' Cf. l. 476 above and note there.

947. *Joseph ut se debuit (?) principes docere*. Cf. Ps. civ. 17-

22, and especially 22, 'Ut erudiret principes ejus sicut semetipsum, et senes ejus prudentiam doceret.' And see Genesis xli.

949. *Et in innocentia cordis sui dauid.* Cf. Ps. lxxvii. 70-72, 'Elegit David, servum suum . . . pascere Jacob, servum suum, et Israel, hereditatem suam; et pavit eos in innocentia cordis sui: et in intellectibus manuum suarum deduxit eos.' Quoted by Vincent in *De Mor. Princ. Inst.* c. xvii. *De bonitate principis excellenti.*

958. *Qui supplantant alios atque bonos mores.* Cf. ll. 293-307 and note on l. 285.

963. *Incolas in ordine suo rex tenebit.* Cf. Pseudo-Aquinas, *De Reg. Princ.* iii. 11: 'Regnum non est propter regem, sed rex propter regnum, quia ad hoc Deus providit de eis ut regnum regnant et gubernent, et unumquemque in suo jure conservent; et hic est finis regiminis.' In the *De Eruditione Principum* of Pérault, ii. 13, we have the following: 'Gregorius ea quae ad principem pertinent, ostendit his verbis: "Summum bonum est in regibus justitiam colere, ac sua cuique jura servare, et in subditos non sinere quod potestatis est fieri, sed quod equum est custodiri."'

968. *Immo si sic facerent essent insensati.* Cf. note on l. 707 above.

APPENDIX I.

SOME MEDIAEVAL WRITERS ON KINGSHIP.

IT has been well observed that the Middle Ages can be best understood when viewed through the medium of ecclesiastical history ; perhaps indeed there is no other means of securing a correct understanding of the course of events, and we certainly shall not be able to appreciate the methods of mediaeval thought if we do not bear in mind the widespread and enduring influence of the Church. It is not enough to remember that, except for the Empire, the Church was the most ancient of existing institutions, that her power was exercised without regard to the limits of political boundaries, and that her greatest leaders claimed an authority superior to that of all temporal princes ; the struggle to assert that authority supplies indeed the dramatic interest of the whole period and constitutes its most striking feature ; but we shall have no sufficient knowledge of the Middle Ages until we have realised how completely was the whole fabric of society permeated by the ecclesiastical spirit. The Church was not content to minister solely to the spiritual needs of her members, nor to supply merely a religious creed and doctrine ; in all man's acts and thoughts the Church was ever present, directing what he might do, and prescribing what he might think.

When therefore we turn to consider the political doctrine of the Middle Ages we must expect to find it expressed in a theological form and resting on a theocratic basis. But we must at the same time be most careful to guard ourselves against imparting

to this doctrine any of those principles which such an association almost inevitably suggests. Never has the divine origin of kingship been more emphatically asserted than it was by nearly every writer in the Middle Ages; but nothing could be more opposed to the common conception of divine right, than was that interpretation which the mediaevalists put upon it. Never was the voice of authority more decisive; but it would be a mistake to suppose that it completely shut out all development of thought and theory. We are accustomed to connect ecclesiastical authority in matters of politics with absolutist principles of government, and to regard it as essentially opposed to freedom and democracy; but, when we turn to mediaeval history, we must prepare ourselves to abandon these ideas and to look upon the Church as the most resolute opponent of despotism, and the most faithful champion of popular liberty. The rule of kings over those who were by the institution of Nature their equals, was only tolerable through the corruption of Nature; an institution which originated in evil had been turned by God to the good of the whole human race; but if a king forgot his duty as the ruler of the people of God, and deviated from the paths of justice, then it belonged to the ecclesiastical power, and above all to the pope as God's vicegerent on earth, to admonish him of his error. Although this hierarchical doctrine of the State was only gradually developed, we shall nevertheless find that the principle on which it is based is present throughout the whole of our period, and is the common property of almost every writer with whom we shall have to deal.

It must be remarked that learning was almost entirely confined to clerks or churchmen, and that profane literature, where not forgotten, was often regarded with a kind of pious horror; knowledge of the classical teachers of antiquity was mostly obtained second-hand through the medium of common-place books, from Boëthius, S. Augustine, Isidore or Priscian. Aristotle was known for the most part in Latin versions of some of his Logical Treatises; his Ethics and Politics did not begin to influence political thought in Western Europe until the thirteenth century, and Thomas Aquinas is the first writer who based his theory of kingship on the writings of the Greek philosopher. Aquinas endeavoured to harmonise the Christian with the Aristo-

telian doctrine ; and in forming his theory he was very far from disregarding the theories of his immediate predecessors of the previous three centuries, but he added to them and modified them by material drawn from the rediscovered sources. Till his time mediaeval writers on kingship had sought their principles exclusively in the Bible ; their theory was derived from the Old Testament, subject to such modifications as resulted from the teaching of the Gospel and the Apostles.

The purely Scriptural origin of their political theory is most marked in the earlier of those writers with whom we shall have to deal. Later on, when we come to the end of the twelfth century, other influences begin to appear ; hierarchical theory has undergone not only a philosophical but also an historical development, and appeals to the history of the papacy in support of this theory naturally become more frequent ; it is the germ of an historical method. Contemporary politics are also more referred to ; and if it is only for the purpose of *illustration*, still even this is an advance. The reviving knowledge of classical literature is also made manifest, and we sometimes meet with a strange mixture of disquisitions on kingly virtue derived from the Scriptures, and on the functions of civil magistrates based on the system of the Roman *régime*. The mediaeval writers supply us with more of pure theory and moral teaching than of practical precepts drawn from the observation of contemporary politics, and to this even Aquinas does not form an exception. It is perhaps the natural consequence of the prevailing reverence for authority, whether that of the Bible or of Aristotle ; whatever statement was propounded was supported by a quotation from Scripture, or from 'The Philosopher' ; so Jonas of Orleans, at the commencement of our period, gives us little more than a cento of biblical texts, and the *De Regimine Principum* of Aegidius Romanus, at the end, is often merely a translation or paraphrase of the *Politics*. Another very natural result of the dependence of early mediaeval theory on Scripture is that it relates almost exclusively to kingship. Hugh of Fleury speaks of a 'Rex legitimus,' and John of Salisbury very carefully distinguishes the Rex and the Tyrannus ; but there is no discussion of the forms of government till we come to Aquinas, who borrows his theory from Aristotle. Of course it is true that kingship

(or tyranny) was the only existing form of government¹, but the reason why no other form was discussed is probably the one stated. Aquinas had little more call to discuss aristocracy and democracy than John of Salisbury would have had a century earlier, and his doing so must be ascribed to his acquaintance with Aristotle. For a like cause a large part of most mediaeval writings on kingship is taken up with the consideration not of the duties of the king, the basis of his power, or of the manner in which he ought to rule, but with the discussion of the virtues which he ought to possess; there is consequently much matter that may be lightly passed over.

It is not easy to fix an altogether satisfactory point from which to start. All writers owed much to S. Augustine, and Isidore was in constant use; in a sense, therefore, no account of Mediaeval Political Theory would be complete which did not include some notice of their writings on the subject. Nevertheless, as a matter of convenience, it will probably be better to begin with the ninth century as our starting-point. It is the era of the restoration of the Empire, of the first assertion of the claims of the Papacy; the darkness is just beginning to break; it is the true commencement of the Middle Ages. Yet more, it is the time when we first meet with any treatise definitely devoted to the theory of kingship.

JONAS OF ORLEANS (*d.* 843) was the author of a treatise *De Institutione Regia*², which he addressed to Pippin of Aquitaine (A.D. 828), son of the emperor Lewis. For the most part this work is founded on the Bible, often consisting of little more than a selection of texts loosely strung together; Isidore is, however, frequently made use of, and there are a few references to other writers³. Simple and unpretentious, it is none the less by no means devoid of interest, and, as the first specimen of a species of writing which was popular for more than three centuries, deserves

¹ The Italian republics are but a partial exception, and that only in the latter part of the period under review.

² Printed in *Spicilegium*, i. 323, ed. 1723. Migne, *Patrologiae Cursus Completus*, c. vi. 285-306.

³ Augustine, Fulgentius Rupensis (A.D. 523), Cyprian, *De Abusio-nibus*, and Gregory's *Moralia*, are each quoted once. He also quotes '*Parcere subjectis et debellare superbos*' (*Aen.* vi.) as coming from '*historia gentilis*.'

a somewhat longer notice than it would otherwise be entitled to. Jonas commences by stating that the Church is the body of Christ, and that there are in it two chief powers, the sacerdotal and the royal (ch. i). Of these the first is the most important and will have to answer for the latter to God (c. ii)¹. The king is so called from ruling rightly², and he who does not do so is no king; pride is especially to be avoided in a king, who should be amongst his subjects as one of them (c. iii)³. The king's special office is to govern God's people with justice and equity, that thus he may keep them in peace and concord (c. iv)⁴. He must reward the good, and restrain the evil; and must see that his judges are just, since equity of judgment is the stablishment of the realm (cc. v. and vi)⁵. He owes his kingdom not to men but to God, Who has actually given power to some, whilst others exercise it by His permission (c. vii)⁶. All power thus comes from God in one way or the other; and subjects must therefore render faithful service to their rulers (c. viii). There then follow nine chapters which are taken up with expounding the need of charity, and duty of religious observances, whilst the eighteenth and last is a quotation from S. Augustine's City of God (v. 24), descriptive of the true felicity of a king. There is thus no attempt to elaborate any theory of government, yet it is something to have this declaration of the double duty which the king owes to his people and to God. Jonas was one of the most prominent churchmen of his day, and a champion of orthodoxy; his treatise therefore may be taken as declaring the accepted theory, and the mere existence of such a theory would put some limit on royal power. At the least it supplied the basis of greater things to come.

¹ Cf. Matt. xvi. 19, xviii. 18, John xx. 22.

² Cf. note to line 697 on p. 105.

³ Cf. Deut. xvii. 14 and sqq., Eccli. xxxii. 1 (cf. note on l. 713), Prov. xv. 28, xxix. 14. He also cites Cyprian, *De Abusionibus*, c. 9 and Gregory's *Moralia*. Cf. note on l. 697.

⁴ Job xxix. 14, Prov. xx. 8, 26, Wisd. i. 1, vi. 2 sqq.

⁵ Prov. xiv. 34, xx. 28, xxi. 3, 7, 21, Eccli. x. 8, 17, 18, with other texts.

⁶ Prov. viii. 14, Hosea viii. 4, 'Illi regnaverunt sed non per me'; a text applied here to those who claimed to rule by right of inheritance, not by God's gift.

We have no evidence that Jonas's treatise was widely circulated¹, but we do know that his expression of opinion was no isolated one, for it is substantially the same as that of his great contemporary HINCMAR, the famous archbishop of Rheims (845-882). Hincmar wrote a treatise '*De regis persona et regio ministerio*,' which, as he himself tells us, was composed in answer to certain questions propounded to him by Charles the Bald. He, however, thought it better not to answer in his own bare speech, but to adopt the language of the Holy Spirit as we have it in the Scriptures and Catholic Doctors. The work therefore consists almost entirely of quotations, chiefly from S. Augustine². The questions with which it is concerned are, when and how far war is justifiable, within what limits the prerogatives of kingly mercy and pardon may be exercised, and the like. Of more importance are the first chapter 'that God makes good kings and permits bad ones³,' and the sixteenth, 'that kings are God's servants, who give laws on his behalf⁴.' Hincmar's own theory is better expressed by incidental references in his treatise *De Divortio Lotharii*. 'Some,' he says, 'have argued that the king is subject to no laws, but only to those of God Who has established him on the throne of his fathers. This however is not Catholic doctrine, as we see from the examples of Saul and Samuel, David and Nathan, etc., nor is it in accordance with Apostolic doctrine⁵. It is only true if he whom one calls king is so truly, and rules himself according to the will of God, directing the good into the right way, and bringing the bad out of the evil way; of such a king we may say with truth that he is subject only to the law of God, and indeed, although there may be commands, there are no laws except those of God, through whom kings reign and the givers of laws decree justice⁶.' Good kings therefore owe their power to God; others

¹ It survives only in two MSS., at Orleans and Rome.

² Most of them from the *De Civitate Dei*.

³ Founded on Ps. xxi. 19, Dan. vi. 14, Prov. viii. 14, Job xxxiv. 30.

⁴ S. Augustine, Ep. 50.

⁵ '*Apostolica auctoritas commonet ut reges etiam obediant prepositis suis in Domino*.' Cf. Heb. xiii. 17. But Hincmar really depends on the Forged Decretals.

⁶ See quotations in notes on ll. 630 and 848.

there are who, by tyrannical usurpation, have obtained power for the punishment of the sins of the people¹, and these reign by God's permission. The service which kings owed to God carried with it the supremacy of the ecclesiastical power, and the unjust king will be rightly judged by the priests who are the thrones of God, whereon he sits, and through whom he delivers his judgements². Another treatise by Hincmar, which is of some interest for our present purpose, is the 'De institutione Carlomanni regis'³. In this he states that there are two chief powers by which the world is ruled, the pontifical and the royal, without emphasizing the supremacy of the former (c. v). The very name of king implies that he must be his people's ruler and guide, and he cannot rule others if he does not rule himself (c. vi)⁴. Hincmar did not always support the supremacy of the ecclesiastical power⁵, but no doubt his true sentiments are those which are given above, and they are those of all the clergy of the time. So Pope NICHOLAS I wrote to Auxentius of Metz in 863, 'Examine well whether these kings and princes, to whom you profess yourself subjected, are really kings and princes. Examine whether they govern well, first, themselves—next, their people; for how can he, who is worth nothing for himself, be good for another? Examine whether they reign according to justice; for, otherwise, they should be regarded as tyrants rather than as kings; and in such case we ought to resist and oppose, instead of submitting to them⁶.' Nicholas has been called the precursor of Hildebrand, and his policy was none the less Hildebrandine because it entailed the championship of popular liberty against kingly despotism.

From the age of Nicholas we may, indeed, pass at once to

¹ Cf. Hosea viii. 4, Job xxxiv. 30, and *De Regis persona*, c. 1.

² *De Divortio Lotharii et Teuturgae*, quaestio vi. Migne, cxxv. 756-9. The date of this work was 863.

³ *Id.* 944 sqq. A large part of this treatise consists of an extract from Adalhard of Corbey, 'De ordine palatii,' which is of no importance in this connection.

⁴ This passage is from the *De abusionibus* ascribed to Cyprian. Cf. note on l. 697.

⁵ See his letter to Pope Hadrian II ap. Migne cxxvi. 174-86.

⁶ Guizot, *Hist. Franc. Lec.* 27.

that of Hildebrand and take up the thread where it had broken off. The tenth century was a relapse into the semi-barbarism of the ages before Charles the Great, and it is a blank in the history of political theory. The struggle between the Papacy and Empire is, however, only of incidental interest to the present discussion. GREGORY VII, when asserting the supremacy of his see, declared that kingship was the invention of those who, in ignorance of God and at the instigation of the devil, had presumed to tyrannise over their equals¹. This was the beginning of a controversy in which the question of the origin of kingship had a prominent place. Gregory and his supporters appealed to Old Testament history and put a mystical interpretation on those texts of the New Testament which seemed to plainly oppose their theory, but for their favourite authority they took the Pseudo-Isidorian Decretals. WALTRAM, their chief opponent, combated their views with much learning, and declared that all power was from God, and that therefore those who resisted power resisted the ordinance of God; to God alone were kings responsible, and the sacerdotal power possessed only the sword of the spirit². The most interesting utterance on the other side is that of MANEGOLD. 'King,' he says, 'is only a title of office, the people had not exalted him that he might play the tyrant, if he did so he broke his contract with them, and they were absolved from their obedience.' And again in another passage: 'No one can make himself emperor or king; the people exalts one man that he may govern and rule them justly. If he breaks the contract (*pactum*) under which he was chosen, the people are free from the duty of subjection, since he has first failed to keep faith³.' This is, perhaps, further than Gregory or his party were prepared to go; but it is a remarkable passage and shows the direction towards which Hildebrandine policy tended. When the popes

¹ Epp. viii. 21, Jaffé, p. 457. Cf. iv. 2, where those kings who rule according to God's will are called limbs of Christ, and all others limbs of Antichrist.

² De Unitate Ecclesie, i. chapters 2 and 3.

³ Manegold ad Gebh., see some extracts in Floto's Heinrich der Vierte, ii. 287, 289, and Mr. Poole's Illustrations of Mediaeval Thought, p. 232, where a considerable extract is given.

attacked the despotic power of kings they really laid the foundations of popular government.

The age of Hildebrand did not, however, produce any regular theory of constitutional monarchy. Indeed the most important political writer for nearly a century to come was one who wrote in direct opposition to the political principles enunciated by the supporters of Gregory VII. HUGH OF FLEURY (*fl.* 1135) begins his treatise '*De regia potestate et sacerdotali dignitate*¹' with the statement that some have asserted that princes derive their power not from God, but from those who through the agency of the devil have presumed to exercise power over their equals². But this he says is contrary to Apostolic doctrine. God is the source of all power. The king should be in his own kingdom as the head in the body (c. ii), and all bishops are subject to him (c. iii). The office of the lawful king is to keep his subjects from error, he ought to seek the profit of his people; but there is no restraint on him except the fear of God (c. iv; cf. cc. vi and vii). Those princes who obey not God will lose their power through the rebellion of their subjects (c. viii). It is not, however, right for subjects to resist their rulers, since, whilst God gives good kings in His mercy, He sends bad ones in His wrath³ (c. iv). Hugh is one of the most pronounced writers on the anti-papal side, but in his time the subordination of the temporal to the spiritual power had scarcely become an essential part of mediaeval ecclesiastical theory. Even S. BERNARD condemned the usurpation of regal authority by bishops; those who desired to possess both powers at once would end by losing them both⁴. The most important champion of the other side, in the earlier part of the twelfth century, was HUGH OF S. VICTOR (*d.* 1140), who declared that the spiritual power judges all and is judged of none; the priesthood was first instituted by God, and then through the priesthood the royal power was by God's command ordained⁵.

¹ Migne, clxiii. 949-976.

² A reference to Gregory VII. Epp. viii. 21.

³ This is supported by the usual texts, Hosea xiii. 4 and Job xxxiv.

⁴ *De Consideratione*, I. i. c. vi. and ii. c. vi. Cf. Janet, *Hist. de la Science Politique*, i. p. 336.

⁵ *De Sacramentis*, II. ii. 4.

We may now turn to JOHN OF SALISBURY (*d.* 1183), the most important of all mediaeval political writers before S. Thomas Aquinas. His *Policraticus* gives us the best and fullest exposition of the theory of kingship which was commonly held previous to the introduction of Aristotelian influence through the translation of the *Politics* into Latin. It is important not only for its own intrinsic and enduring value, but also for the powerful influence which it exercised on succeeding thought. All the chief writers for nearly a century were largely indebted to it, and some did little more than reproduce such parts as were suited to their own purpose. Interesting and important though it is, the *Policraticus* does not, however, mark any distinct advance; its theory is substantially the same as that of Jonas and Hincmar, and differs chiefly in the greater fulness and ability with which it is expressed. Like his predecessors, John did not make use of contemporary history, but derived both his theory and his examples for the most part from the Old Testament; but he added a far more intimate acquaintance with classical Latin literature and ancient Roman history, and made constant use of them both.

According to John of Salisbury, kingship is exercised either by a prince (*princeps*) or by a tyrant (*tyrannus*). The prince is the image of the Deity, the tyrant of wickedness¹; the prince rules by the laws, is the champion of law and of popular liberty, the tyrant makes it his aim to destroy law and reduce the people to slavery². No prince is independent of the law. When he is described as released from the bonds of the law, it is not meant that he has leave to do wrong, for he has no power to will aught in public matters, save what is counselled by law or equity, or determined by the consideration of the general use³. The authority of all laws is vain except it bear the image of the Divine law, and useless is the decree of a prince unless it be conformable to the decree of the Church⁴.

¹ *Policr.* viii. 27. See note on l. 729.

² *Id.* iv. 1, 2, and viii. 17. See notes on ll. 698, 848.

³ *Id.* iv. 2. Cf. note on l. 848.

⁴ *Id.* iv. 6.

Jurists declare that 'the prince's pleasure hath the force of law'; but this maxim is false, except it is understood subject to such conditions¹. But the prince is thus far independent of the law, in that he is equally the exponent of eternal right. His power comes of God, and is still God's although it is exercised by a deputy. Thus we have the dependence of the royal power on the Divine law clearly enunciated; and as the interpreter of that law we have the Church. The duty which the prince owes to God and to the Church is not more clearly expressed than is the duty which he owes to his people. The prince will always prefer the advantage of others to his private will, and will not seek his own good but that of others². It is in this that the difference between the prince and the tyrant partly consists, and so whilst the prince is to be honoured and revered, it is lawful to deceive and honourable to kill a tyrant, if he cannot be otherwise restrained³. The open advocacy of tyrannicide is one of the most remarkable features in John's system; he obtained it from his study of classical authors, and supported it by examples from the Old Testament; his arguments and examples are a close anticipation of those employed by the writers of the League during the French Wars of Religion.

The *De Principis Instructione*⁴ of GIRALDUS CAMBRENSIS (1146-1220?) is not one of the writer's best known works. It was one of the last which he completed, but was at the same time one which he long contemplated. For the most part it consists of a violent attack on Henry II and his sons, but the first book is occupied with a discussion of the virtues necessary for the prince. Much of this is irrelevant to our present purpose, and the quotations from classical authors are, as is usual with Giraldus, very copious. The first chapter treats of the government of the prince. 'Princely power,' Giraldus says, 'is necessary for men, since where there is no governor the people will fall⁵.

¹ Policr. iv. 4. See note on l. 848.

² Id. iv. 2 and 8. See notes on ll. 848 and 893.

³ Id. iii. 15, iv. 1, viii. 17 and 18. Cf. notes on ll. 707, 729 and 893.

⁴ The second and third books were edited for the Anglia-Christiana Society by Mr. Brewer; the complete work will, it is hoped, shortly appear in the Rolls Series.

⁵ Prov. xi. 14. Cf. note on l. 809.

The prince requires good morals more than all men, since he has to be the ruler of his people. In the first place stands courtesy (*mansuetudo*); pride is to be avoided, and the prince is to be amongst his subjects as one of them¹. So it was declared by the emperors, [Theodosius and Valentinian]: although we are released from the law yet we wish to live by the law' (c. ii). Chapters iii-xv treat of various virtues of the prince, of his chastity, patience, mercy, munificence, magnificence, etc. Chapter x is on the prince's justice; 'the prince,' it is said, 'needs the support not only of arms but also of the laws and of justice.' Chapter xv is of the difference between the king and the tyrant; the king is so called from ruling himself and his subjects, the tyrant is the oppressor of his people and seeks his own preeminence and not their profit. The king is the father, the tyrant the step-father, of his country². Tyrants come to a bad end, as did Saul, Jeroboam, Nero, and others in modern times (c. xvii). Chosen princes are equally happy in their life and in their death, as were Moses, Samuel, and Octavian (c. xviii). Chapter xix gives the interpretation of various political terms, and the twentieth and last treats of the religion of the prince.

Giraldus wrote his *De Instructione* in the early years of the thirteenth century, which was the golden age of mediaeval political theory. We can, however, distinguish two periods in this century; the first, during which the *Policraticus* of John of Salisbury was the most popular of all treatises on politics, and supplied many writers with the greater part of their theory of kingship; and the second, during which Aristotle's *Politics* were, in the Latin translation of Mervbecke, the foundation of all political theory. A writer who enjoyed considerable popularity in his own time was HELINAND, a Cistercian monk of Froidmont (*fl.* 1220). He was a voluminous writer, but his works have survived only in fragments; of these fragments some have been pieced together to form a treatise on royal power³. Helinand does not, however, appear to have been an original writer;

¹ *Eccli.* xxxii. 1. Cf. note on l. 713.

² Cf. note on l. 480.

³ Helinand's discussion of kingship forms the last twelve chapters of his *Flores*, which are printed in Tissier, *Bibliotheca Patrum Cisterciensium* vii., and Migne.

indeed his work is little more than a cento of extracts from the Policraticus¹. His importance consists in the fact that he appears to be the medium through which some of the most interesting portions of the Policraticus were known to other writers. VINCENT OF BEAUVAIS (*d.* 1264?) in particular appears to have been much indebted to him. Vincent himself was scarcely in any sense an original writer, but his range of reading was extremely wide, comprising both many of the classical authors and fathers as well as more recent writers. Vincent devoted the eighth book of his *Speculum Doctrinale* to *Scientia Politica*. 'This science,' he says, 'has to do with the customs of States and the virtues of rulers' (c. v). Much of what is most interesting in his discussion comes from the Policraticus through Helinand, and of other authorities St. Augustine and Isidore are perhaps most frequently cited. Several chapters are devoted to an account of the Roman magistrates and are of little value to us. For the present purpose it will be more useful to give some account of the *De Morali Principum Instructione*². This treatise was written about 1260 for the benefit of the sons of Louis IX, and, like the author's discussion in the *Speculum Doctrinale*, with which it has much in common, is rather a compilation than an original work. The prince is the head of the State³ (c. i). Men were by nature equal; Nimrod was the first to usurp royal power (c. ii). But this power, though founded by evil, had, through the divine dispensation, been turned to good; if all things were still held in common, universal ruin would be the result. Rulers must, however, remember their equality of condition, and seek to profit, not merely to be pre-eminent over, their subjects (c. iii). For royal power to be just, the dispensation of God, the choice of the people, the approbation of the Church, and the prescription of time must coincide; of these it is the first, as acting through the third, whereon Vincent lays most stress (c. iv). All power comes of God (c. v); evil rulers are the scourges of God (c. vi). The king must

¹ Compare c. xvi. of the Flores with Policr. iv. 9; xviii. with v. 1 and 3; xxi. with iv. 2; xxiii. with vi. 7; etc.

² MS. Rawlinson, C. 398 in Bodleian.

³ Cf. Policr. v. 2. The passage is founded on the 'Institutio Trajani' ascribed to Plutarch.

excel in power, wisdom, and goodness ; the power of the Father, the wisdom of the Son, and the goodness of the Holy Spirit (c. x)¹. In the eleventh chapter we have a list of the matters in which the king's wisdom is shown, in the rule of himself and his people, in judgment, legislation, the choice of councillors, warlike operations, etc. The next three chapters are taken up with the fuller discussion of these points. Chapter xv treats of the king's need for knowledge of the Scriptures, and the royal law is declared to depend on the law of God². The remaining twelve chapters are of comparatively slight interest and are chiefly taken up with discussions on the evils of flattery and ambition.

A later writer who, like Vincent, was a compiler rather than an original thinker, was ROGER OF WALTHAM (*f.* 1280?). He was the author of a *Compendium Morale*³ which, like the *Speculum Doctrinale*, consists chiefly of extracts from a variety of authors, among whom Isidore and Helinand hold the chief place ; his theory of kingship does not appear to be marked by any distinctive features.

Among writers of this period who were under no special debt to John of Salisbury, yet based their theory on the Scriptures and the Fathers, we have the authors of *Summae Theologiae*, and we may also mention the Dominican WILLIAM PÉRAULT (*f.* 1250). Pérault was, according to Quétif and Echard⁴, the real author of a treatise *De Eruditione Principum*, sometimes ascribed to S. Thomas Aquinas, and printed amongst his writings. Pérault states his aim to be an exposition of the prince's duty to God, the Church, himself, his councillors, children, subjects and enemies. The treatise consists of seven books, in which these matters are treated at length ; but the precepts which it contains

¹ The need of wisdom is illustrated by the usual texts, Sap. vi, Prov. viii. 15, Eccli. x. 1.

² Cf. note on l. 848. Vincent quotes Helinand, who, as usual, borrows from the *Policraticus*. See references to notes in the index.

³ MS. Laud 616, in the Bodleian. Cf. notes on ll. 476, 657, 697, 716, 723, 848. It was used by Sir J. Fortescue ; cf. Plummer's edition of the 'Governance of England.' A commentary was written on it by Thomas Graunt (*f.* 1470).

⁴ Script. Ord. Predicatorum, i. 135.

are purely moral and religious, and although it is not without merit in its own way, it is not a contribution to Political Theory¹.

Of theological writers the most important for our purpose are Alexander of Hales, and Bonaventure. They do not, however, greatly concern us, for their references to political theory are merely incidental. ALEXANDER OF HALES (*d.* 1245), in some sections of his *Summa Theologiae*, treats of the relation of the royal to the sacerdotal power, and of the lawfulness of political dominion. The sacerdotal power is subject to the royal in temporalities but not at all in spiritualities, and no earthly king has the right to try sacerdotal cases². Hales was not, however, an extoller of royal power; the dominion of one man over another was just not by the condition of nature, but by the imparity of merit³; the natural law declares the common liberty of all men in accordance with the state of Nature as instituted, but, in accordance with the state of Nature as corrupted, servitude is necessary, and dominion is required for the coercion of evil⁴; when judgment has been ordered by the law of God one man may judge another, but he may not do so by a rash judgment⁵. We have therefore in Hales the two principles of the king's obligation to God and of his duty to his people, but there is no approach to a regular theory of kingship.

BONAVENTURE (1221-1274) gives a similar justification for the existence of kingship. 'The ruler,' he says, 'has only power to coerce his subjects in accordance with the State of fallen Nature⁶. All power, however, according to that which is, and even in respect of that man over whom it is, is just and comes from God; and although power may be acquired justly or unjustly, nothing is so unjust in one part that it may not be just in another, so that there is no power of which it cannot be said that it comes from God.' With regard to an objection that if power is from God it

¹ See some citations in notes to lines 657, 716, 963.

² *Summa Theologiae*, Q. xlviii. m. 1. Art. II. edition 1622.

³ *Id.* Q. xlviii. m. 1. Art. I. See note on l. 704.

⁴ *Id.* Q. xxvii. Art. III. ad fin. See note on l. 704.

⁵ *Id.* Q. xl. m. 1. Resolutio.

⁶ In *Lib. Sent. Dist.* xlv. Art. II. q. 2. Conclusio. Ed. 1885. Quaracchi. See note on l. 704.

must not be taken away, Bonaventure explains that this would be true if God gave power absolutely, but, if it is only given for the time, just as God gave power, so also through the agency of men He has willed to take it away, and he who abuses the power entrusted to him deserves to lose it. Another objection which had been urged was, that if God gave power, there could be no usurpations, whereas there were many such. To this he replies that even when a ruler rules '*non de jure sed de facto*' there is still some order of justice, and therefore his power may be said to be of God¹. On the question of obedience to civil rulers Bonaventure decides that Christians are bound to their earthly lords, yet not in all things, but only in those things which are not against God, and which are reasonably decreed in accordance with right custom².

Bonaventure is the last writer in the pre-Aristotelian period whom we need consider, except for our own writer and for Bracton, who give what is substantially the same theory³.

'The king who rules rightly,' says BRACTON (*d.* 1268), 'needs not only arms but laws⁴; he must not be subject to any man, but to God and the law, for the law makes him king; let the king therefore give to the law what the law gives to him, dominion and power; for there is no king where will and not law bears rule⁵.' 'The king,' he says in another place, 'must excel all his subjects in power, he ought not to have any peer, much less any superior; yet he has no power on earth, since he is God's minister and vicar, save what he has of right; and the maxim, "the prince's pleasure has the force of law," makes no difference, for this does not intend any more will of the prince, but that

¹ In Lib. Sent. Dist. xlv. Art. II. q. 1. See notes on ll. 641 and 707.

² Id. Dist. xlv. Art. III. q. 1. See note on l. 707.

³ Robert Grosseteste, however, composed a treatise on kingship. Adam Marsh writes to him, '*Remitto dominationi vestrae abbreviationem illam, quam scripsistis de principatu regni et tyrannidis sicut misistis signatam signo comitis Leycestriae.*' Ep. xxv. Monumenta Franciscana (Rolls Ser.), p. 110. Unfortunately no trace of this treatise has survived. The writer of the Song was possibly indebted to it either directly, or indirectly through the teaching of Marsh.

⁴ I. i. 1.

⁵ I. viii. 5. See notes on ll. 630, 848.

which is established by the advice of his counsellors, the king giving his authority, and deliberation being held upon it¹. This agrees with the description given elsewhere of the Laws of England: 'Although not written, it would be absurd to deny them the name of laws, for whatever is justly defined and approved by the counsel and consent of the magnates, and common promise of the republic under the previous authority of the king, has the force of law². The king's power is of right and not of unright; for the king is God's minister, and right comes of God, but unright of the devil; if he declines from the right, and oppresses the people that is entrusted to him, he is the minister of the devil, and no king but a tyrant. The king must therefore refrain his power by the laws, since there is nothing more proper to command than to live by the laws; the king ought not only to be armed with arms but also with the laws, therefore let him learn wisdom, and preserve justice³.' This is the gist of Bracton's own theory, but one famous though probably interpolated passage in the *De Legibus* goes further and declares that 'the king has a superior, namely God. Likewise the law through which he was made king. Likewise his court, to wit, his earls and barons, for earls (*comites*) are so called as being the king's associates, and he who has an associate has a master, and therefore if the king shall be without a bridle, that is without law, they ought to put the bridle upon him⁴.'

Bracton is important to us as giving the recognised legal theory of English kingship. He was probably an Oxford scholar, and we may, perhaps, go so far as to say that it is that theory which was commonly taught by the Franciscans at Oxford; for the theory of the Song is substantially the same.

'The king,' says the writer of the Song, 'must rule with the aid of his magnates, remembering that he is God's servant, and that if he forgets his duty to God, his people are not bound to obey him. The Divine law supplies the light by which the king must walk. It is law which rules the dignity of the king, it

¹ III. ix. 3. See notes on ll. 697, 848.

² I. i. 2.

³ III. ix. 3. See note, *ut supra*.

⁴ II. xvi. 3. See note on l. 630.

being a mistake to say that the prince's will has the force of law, for the law stands but the king falls. Therefore his will is of no effect, unless it conforms to the law, and if it does not do so it will cause the ruin of his people. The true king will consider the interests of his subjects, and since he can do nothing without them he will not fail to ask their advice¹.

At this point we have come to the time when the whole mediaeval theory of kingship was revolutionised by the renewed knowledge of the political writings of Aristotle. Naturally this would be the most convenient point at which to close our consideration of the subject, but there are a few authors who were in part contemporary with our writer and are for different reasons of sufficient interest to deserve inclusion. Most important of course is S. Thomas Aquinas, whose *De Regimine Principum* was written only a few years after the Song, and which, when completed by Ptolemy of Lucca, became for two centuries the most popular of all treatises on political theory. The others whom we propose to consider are John Wallleys, from whom we may learn what was the theory taught at Oxford at a slightly later date, and Aegidius Romanus, also the author of a *De Regimine Principum*, which enjoyed great popularity, especially in England. THOMAS AQUINAS (1225-72) was the first writer to make use of Aristotle's *Politics*, which, at the time when he wrote his *De Regimine Principum*, was but recently translated. The *De Regimine* was left unfinished by Aquinas; only the first book, and perhaps chapters 1-8 of the second, are from his pen, and the remainder was probably the work of his pupil Ptolemy of Lucca (1236-1327), who wrote much later, and certainly after 1300 A.D. The political theory of the first part of the *De Regimine* may, however, be supplemented by comparison with other writings, and especially with the *Summa Theologiae* (which was written before Aquinas made his acquaintance with the *Politics*).

The influence of Aristotle on Aquinas is very marked. We find in him a much wider view of the subject than before; he attempts to find a better historical basis for the State, and perceives the necessity of taking into consideration other forms

¹ See more fully in the Introduction, pp. xxvi-xxviii above.

of government besides kingship. The De Regimine begins with the principle that all things which aim at some end require guidance to reach that end. All men work to an end; if a man could live by himself, he would himself be king under God, but man is by nature social, and therefore must live with his fellows, and such a community will require some guiding power to direct it to the common good. Governments are just when they seek the common good, unjust when they fail to do so. In the former case the government is called monarchy, aristocracy, or *politia*, according as the power is in the hands of one, the few, or the many; in the latter case it is either tyranny, oligarchy, or democracy¹. The rule of the king is best because it is more favourable to unity; aristocracy and *politia* are, however, equally legitimate, though not so advantageous. States which are ruled by many are subject to dissensions; those which are ruled by one flourish². The rule of many has almost always ended in tyranny, and the dissensions natural to it are prejudicial to peace³. The rule of one is not however to be accepted without limitations, and Aquinas dwells at length on the distinction between the king and the tyrant. Some have said that the king will seek his reward in honour or glory; but such things fade, and would not induce good men to become princes⁴. The true end of the king is to rule his subjects well, and the good king will remember that he is only the minister of God, from Whom he derives his power. His reward consists in the highest degree of celestial happiness, which he will attain if he is zealous to procure the good of the multitude⁵. By thus preferring the common profit to his own advantage the king will show that he has sympathy for his subjects. Such sympathy is the foundation of friendship, and it forms the basis of the king's power.

¹ De Reg. Princ. I. 1. See notes on ll. 809, 893.

² Id. I. 2. See note on l. 932. Cf. also *Summa Theologiae*, I^a. II^{ae}, q. cv. a. 1: 'Optima ordinatio principum est in aliqua civitate vel regno, in quo unus preficitur secundum virtutem qui omnibus presit,' etc. On the advantage of the rule of one, see also *Summa Cont. Gent.* iv. 76 opp. q. 513.

³ Id. I. 5.

⁴ Id. I. 7.

⁵ Id. I. 8, 9. See notes on ll. 481, 641.

The power of the tyrant, on the other hand, is based on fear ; the tyrant has, therefore, no friendship with his subjects, and has little or nothing in common with them¹. It is important that the man who is chosen for king should be one who is not likely to make himself a tyrant. If, however, the king disappoints the expectations which have been formed of him, and becomes tyrannical, the best course is to bear with him for a time ; rebellion may fail, and even if it succeeds is likely to end in dissension ; tyrannicide, moreover, is repugnant to apostolic doctrine. Nevertheless, the multitude which has the right to appoint a king may depose him, or restrict his power, if he make a tyrannical use of his position, since in that case he has broken his pact with his people².

So far there is nothing on the king's relation to law ; but later on a country is said to be under constitutional rule or 'dominium politicum' when it is ruled by its own laws and customs³. The question of the relation of the king to the law is, however, more fully treated in the *Summa Theologiae*. Aquinas takes as his text a maxim of Ulpian, 'princeps legibus solutus est' ; this he limits by saying that it is true only so far as the coercive power of law is concerned, and not in respect of its directive power, and he then quotes the other legal

¹ De Reg. Princ. I. 10. See notes on ll. 729 and 932.

² Id. I. 6. See note on l. 707. Cf. S. T. II^a. II^{ae}. q. xlii. a. 2 : 'Seditio opponitur et iustitiae et communi bono, et ideo ex suo genere est peccatum mortali et tanto gravius quanto commune bonum est majus quam bonum privatum.' The final chapters of bk. I contain nothing of importance. The early part of bk. II is concerned with the choice of a suitable position for the State, the king's need for natural wealth, etc., matters which are treated closely on the lines of the Politics. Ptolemy of Lucca's continuation treats in the first place of similar matters, as the need of roads, coinage, weights and measures, provision for the poor. Bk. III begins with a long discussion on the derivation of all power from God, and, after treating on the causes of the success of the Romans, turns to the consideration of 'dominium regale,' and 'dominium imperiale,' and of the superior authority of the sacerdotal power. Book iv. is chiefly concerned with criticisms of Plato's Republic and of the Lacedaemonian polity on the lines of Aristotle's Politics.

³ De Reg. Princ. II. 8.

authorities in support of his view¹. In another place he discusses the more famous maxim, 'quod principi placuit legis habet vigorem.' This he does not misinterpret in the manner of other writers already noticed, but, after defining law as a rule and measure of acts according to which each man is to act or not to act, points out that, if taken absolutely, this maxim would make law depend on one man's will and pleasure. The prince's will cannot be law unless it be regulated by reason².

The idea of the king's dependence on law, as we have seen it given by other writers, is not adopted by Aquinas, who makes his king rule in accordance with virtue. The idea is, however, the same, for John of Salisbury and his followers had put the king above the laws, because if he was truly king he would be guided by principles of eternal right. What is important in both is that they emphasized the king's responsibility to God. What is most remarkable in Aquinas is not so much the addition of new principles (for though he recognised the possibility of other forms of government, he gave monarchy decidedly the first place, and regarded it in a not very dissimilar light to his predecessors), as the more general scope of his treatise, its greater definiteness, and the more logical method on which it is developed.

JOHN WALLEYS (d. 1303) was a Franciscan who taught at Oxford in the early years of Edward I, and afterwards removed to Paris, where he was lecturing in 1282. His chief work was a 'Summa de regimine vite humane'³. It is in a large degree a compilation, though with much that is more original. The chief authorities employed are the Politics and Ethics of Aristotle, Cicero, S. Augustine, the Policraticus, and Helinandus. His political theory is contained in the first part of this work, and more especially in the first three distinctions of it.

'The republic,' says Walley, 'is the commonwealth'⁴. The dif-

¹ S. T. I^a. II^{ae}. q. xcvi. a. 5. See note on l. 848.

² Id. I^a. II^{ae}. q. xc. 1. See note on l. 848, and other quotations there.

³ First printed at Paris, without date, as *Summa Collationum*, and afterwards at Venice 1496. The latter edition is the one which I have used.

⁴ Pars I. Dist. i. c. 1, 'Respublica est res populi, res communis, res civitatis.'

ferent forms of government are royalty, aristocracy, and democracy¹. The republic must be ruled by law, and the one royal road is the law of God; all law is vain which bears not the image of the Divine law². It must be founded on justice, and wholesome counsel, and adorned by good morals³. To ensure its stability all must aim at the common advantage, and no one must seek to harm another for the sake of his own profit⁴. The second distinction treats of the position of the prince in the State. He is its head, but must not seek dominion from lust of power⁵; legitimate dominion may be due to the ordinance and provision of God, to appointment by the Church under Divine authority, to hereditary succession, or to unanimous election by the soldiers or people. But whatever the method of acquisition, the consent of the Church is necessary, since all power comes of God⁶. The third distinction is of the virtues of the prince. In the first place he must be obedient to God and the Church, must act for the honour of God, and the advantage of his people⁷. He must be humble, merciful, courteous, and long-suffering⁸. Above all, he must be just and preserve the Divine law by decreeing nothing which is contrary to it; for this he will require the light of knowledge, and especially of the Scriptures⁹. He must further remember that he is the ruler and guide of his people, and must be careful to avoid tyranny. The tyrant seeks what is profitable to himself, the king what is advantageous for his subjects¹⁰. The next three distinctions are concerned with the duties of the rulers of provinces, magistrates, and counsellors. The seventh treats of the prince's treasury, the eighth of the vices of courts, the ninth of the

¹ Pars I. Dist. i. c. 2.

² Id. c. 3. He quotes Helinandus. Cf. note on l. 869; and also Prov. viii. 15.

³ Id. cc. 4, 7, 8. The last chapter is founded on Policraticus, v. 3.

⁴ Id. c. 9. Cf. note on l. 893.

⁵ Dist. II. cc. 1, 2. Cf. Policr. v. 2.

⁶ Id. c. 3. Cf. Hosea viii. 4 and xiii. 11, and Job xxviii.

⁷ Dist. III. c. 1.

⁸ Id. cc. 2, 5, 9, 11.

⁹ Id. cc. 6, 7.

¹⁰ Id. cc. 19, 20.

management of the soldiery, and the tenth of the management of the labouring class.

Walleys is remarkable for making constant use of such writers as John of Salisbury and Helinandus, as well as of Aristotle and Cicero. In the use of the latter he has the advantage over the earlier mediaeval writers, and in the use of the former he differs from Aquinas and Aegidius Romanus, who borrowed their material chiefly from Aristotle.

This is especially the case with AEGIDIUS or GUIDO DE COLONNA (*d.* 1316), who is much less original than Aquinas, and who often does little more than reproduce Aristotle. He was engaged by Philippe le Hardi to act as tutor to his sons, and his treatise, *De Regimine Principum*, was written for the instruction of the future Philippe IV, to whom it was dedicated. The first part of book i. of this work is chiefly concerned with the character requisite for a prince. He must know and seek his own happiness, which is to be found not in honour, riches, fame or power, but in the love of God; above all, therefore, must they model themselves on the image of God¹. He will require prudence that he may rule and guide his people rightly². Also he must be humble, for without humility there is no virtue, and a haughty ruler is the peril of the people³. The second book treats of the rule of the royal household, and the management of the family, the relations of man and wife, father and children, master and servants. In the first part of the third book he criticises the Republic of Plato, and the constitutions of Philleas and Hippodamus on the lines of the second book of the Politics. He then discusses the rule of the State in time of peace, which must be according to just law and approved customs⁴. Next he gives the six forms of government as arranged by Aristotle. Kingship is the best, as being most favourable to unity; as a matter of theory it should be elective, but in practice the hereditary principle will be found preferable. Royal power is

¹ *De Reg. Princ.* I. i., especially chapters 12 and 13. See notes on ll. 703, 716, and 910.

² I. ii. c. 7. See notes on ll. 697, 716.

³ *Id.* cc. 25, 26. See note on l. 716.

⁴ III. ii. c. 1.

granted by God, and it is the king's duty to guide his people to the true end¹. As to the conduct of the king, he is to be especially careful to secure the common weal, and must spend his resources for the common profit of his kingdom². Several chapters are then devoted to the evils of tyranny, and to pointing out how tyrants maintain themselves³. The remainder of this part is taken up with the duties of counsellors, the nature of law, and the mutual relations of kings and their subjects. The third part of the third book treats of the management of the kingdom in time of war, and with this the work ends.

The *De Regimine Principum* was a very popular book for more than two centuries; it formed the basis of Hoccleve's poem of the same title, printed by the Roxburghe Club in 1860, and there is an English translation in MS. Digby 233 in the Bodleian⁴.

With Aegidius we come to the end of the thirteenth century, and he is the last writer on kingship who was in any sense a contemporary of our author; with him, therefore, I propose to conclude.

¹ *De Reg. Princ.* III. ii. cc. 2, 3, 5, 8. See note on l. 641.

² *Id.* c. 9. See note on l. 893.

³ *Id.* cc. 11-14.

⁴ It was several times printed in the fifteenth century. The edition used is the Venice one of 1498.

APPENDIX II.

THE BARONS' WAR IN 1264.

- Jan. 2, W.—King Henry goes to France.—(Cont. Gervase, ii. 232.) War in the Welsh Marches. 'Immediately after Christmas, before the publication of the sentence of the King of France, Edward gathers an army and devotes himself to plundering.'—(Continuation of Florence of Worcester, Taxter, p. 191.) Mortimer was already in arms.—(Chr. Dover.)
- Jan. 23, W.—The Mise of Amiens. Louis IX decides in favour of the King. Henry is present in person. Earl Simon is detained in England by a fracture of the thigh, and the barons are represented by Humphrey Bohun the younger, Henry and Peter de Montfort, Adam of Newmarket, and Walter Blount.—(Wykes, p. 139.) The barons march against Mortimer.—(Close Roll.)
- Feb. 4, M.—King Richard, and Edward at Windsor, issue orders to the sheriffs of Gloucester, Worcester, and Shropshire to break down the bridges over the Severn, except at Gloucester.—(Shirley, Royal Letters, ii. p. 253.)
- Feb.—Early in this month Henry, and Simon de Montfort the younger, capture the castles of Radnor, Wigmore, and Corfham (or Clifford?)—(Gervase, ii. 233.) Roger de Clifford holds Gloucester for the King. The barons under Henry de Montfort capture the town (Dunst. 227).
- Feb. 7, Th.—King Richard at Oxford.—(Pat. Roll.) Edward at Oxford on his way to the Marches, 'toward Lent.' The burgesses exclude him from the town. (Robert of Gloucester, II, 186–90.)

- Feb. 8, F.—King Henry writes from Witsand to demand admittance to Dover Castle, and is refused.—(Gervase, ii. 232.)
- Feb. 10, S.—King Richard at Worcester (Pat. Roll). A week later he was at Hereford (Close Roll).
- Feb. 15, F.—King Henry lands at Dover.—(Gervase, ii. 233; Lib. de Ant. Leg. p. 61.)
- Feb. 16, S.—And is refused admission to Dover Castle (Gervase, ii. 233). In the latter part of February—or perhaps earlier—Edward captures the castles of Hay, Huntingdon, and Brecon. Earl Ferrers captures Worcester and plunders the Jewry.—(M. West. p. 384.)
- Mar. 4, T.—The King at Windsor.—(Pat. Roll.)
- Mar. 5, W.—Ash-Wednesday.—Edward comes to Gloucester; he captures the town, but is besieged there by the barons under John Giffard and Earl Ferrers. He is nearly captured, and only escapes by a ruse¹.—(Robert of Gloucester, II, 246–309.)
- Mar. 6, Th.—Riot at Oxford between burgesses and clerks. ‘The first Thursday in Lent.’—(Robert of Gloucester, II, 210.)
- Mar. 7, F.—The King leaves Windsor and marches to Reading.—(Pat. Roll.)
- Mar. 8, S.—The King reaches Oxford.
- Mar. 13, Th.—The scholars are to leave Oxford during the royal stay. Representatives, viz. Nicholas de Plumpton and the Bishop of Lichfield, appointed to treat with the barons at Brackley.—(Pat. Roll. and Foedera, i. 781.) The barons appoint the Bishops of London, Winchester, Worcester, and Chichester to act on their behalf, with authority to accept the Mise of Amiens, save as regards the aliens.—(Annales Lond. 61.)
- Mar. 15, S.—Edward joins his father at Oxford about this time. (‘Aboute an pre wouke þere he gan abide.’ Robt. Gloucester, II, 310–12; cf. Ann. Lond. p. 61.)

¹ Edward’s ‘discursus inter castra,’ and the events at Gloucester, would seem to cover the latter part of February and beginning of March.

- Mar. 17, M.—Safe conduct granted to the barons during the negotiations; to last twelve days.—(Pat. Roll.)
- Mar. 20, Th.—As to the negotiations at Brackley.—(Pat. Roll.)
- Mar. 23–29.—During this week the Londoners plunder the estates of King Richard at Isleworth, and of William de Valence, and other royalists.—('Dum Parliamentum steterit.' Lib. de Ant. Leg. 61¹.)
- Mar. 31, M.—The negotiations broken off in consequence of riots in London (?). Earl Warrene and Roger Leyburne leave Oxford for Kent to secure their castles for the King (Rish. de Bellis, 12, 15). Earl Simon goes to London.—(Lib. de Ant. Leg. 62.)
- Apr. 3, Th.—The King and Edward leave Oxford.—(Ann. Dunst. 229.)
- Apr. 4, F.—And besiege Northampton.—(id.; Gervase, ii. 234².)
- Apr. 5, S.—The town of Northampton captured through the treachery of the French monks of St. Andrew's.—(Rish. de Bellis, p. 23; see note on l. 47.)
- Apr. 6, S. Passion Sunday.—Capture of the castle of Northampton, of Simon de Montfort the younger and other barons. The town sacked.—(Gervase and Rishanger as before.)
- Apr. 7, M.—Earl Simon leaves London and marches to St. Alban's on his way to relieve Northampton; but on learning of its fall he shortly afterwards returns to London³. During this week John Giffard, who held Kenilworth for de Montfort, captures Warwick Castle.—(Rish. de Bellis, 25.)
- Apr. 9, 10, W., Th.—Massacre of the Jews at London.—(Aungier's French Chronicle, Camden Society. 'La quarte ide et la quinte ide d'Averil'⁴.)

¹ Wykes, p. 140, says: 'Prima die lune quadragesimae.' On 10 March the King wrote from Oxford to the Sheriff of Kent, bidding him take into his hands manors belonging to certain burgesses of London, because the men of London have done and are doing great damage to the King and his people.—(Close Roll. memb. 7. d.)

² 'Villam obsederunt pridie Nonas, et in crastino ipsam ceperunt.'

³ Before the end of the week at all events.

⁴ Ante Ramos Palmorum, Lib. de Ant. Leg. p. 62. 'In reditu vero comitis Londonias,' Gervase, ii. 235. 'In ipsa Passione Dominica,' M. West.

- Apr. 10, Th.—The King leaves Northampton and marches first to Leicester, and thence, before the 13th, to Nottingham; William Bardolf surrenders Nottingham Castle.—(Close and Patent Rolls; Wykes, 146.)
- Apr. 13, S. Palm Sunday.—This week Edward is in Derbyshire and Staffordshire, where he harries the lands of Earl Ferrers, and captures Tutbury Castle.—(Rish. de Bellis, 26; Ann. Dunst. 230.)
- Apr. 15 or 16, T. or W.—Earl Warenne enters Rochester.
- Apr. 16, W.—Earl Simon leaves London.
- Apr. 17, Th.—Gilbert de Clare lays siege to Rochester, where he is joined by Earl Simon.—(Gervase, ii. 235.)
- Apr. 18, F.—Good Friday. Capture of the city of Rochester; sacrilege at the cathedral.—(Chr. Roff. f. 174 vº. and Gervase.)
- Apr. 19, S.—Easter Eve. Capture of the Outer Bailey of Rochester Castle.—(id.)
- Apr. 20, S.—Easter Day. Earl Simon rests.—(Chr. Roff. u. s.) The King at Nottingham.—(Ann. Lond. p. 61.)
- Apr. 21, M.—The barons attack the tower of Rochester Castle, and continue the assault each day during this week without effect.—(Chr. Roff. and Gervase, u. s.) The king hears of the siege of Rochester.
- Apr. 22, T.—The King leaves Nottingham, and marches south as rapidly as possible¹.—(Wykes, p. 146.)
- Apr. 26, S.—The King reaches Kingston. Siege of Rochester raised. Earl Simon returns to protect London.—(Gervase, ii. 236.)

¹ 'Cum exercitu copioso infra quinque dies de Notyngham usque ad Roffham pervenit' (Wykes, l. c.). This can hardly be accurate; from Nottingham to Kingston would alone be nearly 150 miles, as much as a considerable force of armed men is likely to have covered in the time. Perhaps we may be justified in counting the five days to the raising of the siege of Rochester. Kingston was most probably captured on April 27th. The Patent Roll contains documents dated 26th, Aylesbury; 27th, Kingston; 27th, Croindon (Croydon). This does not certainly prove that the King himself was present at these places on the days named; but some portion of the curia must have been, and we may accept the data as good evidence of the line of march.

- Apr. 27, S.—Kingston Castle surrenders to the King, who, on the same day, marches to Croydon (id.; Pat. Roll.).
- Apr. 28, M.—The King reaches Rochester, captures a small force left there by de Montfort, and relieves the castle.—(Hemingb. i. 313-4; Ann. Lond. 62.)
- Apr. 29, T.—The King leaves Rochester.
- Apr. 30, W.—The King at Tunbridge.—(Pat. Roll.)
- May 1, Th.—The King and Edward¹ capture Tunbridge Castle, which belonged to the Earl of Gloucester.—(Gerv. ii. 236.)
- May 2, F.—The King issues various letters from Tunbridge; the priory of S. Andrew's, Northampton, has permission to repair its walls and houses; the bailiffs of Sandwich are not to permit the garrison of Dover or citizens of London to purchase provisions.—(Close Roll.)
- May 3, S.—The King marches to Combwell² (Battle Chr.), leaving a strong garrison at Tunbridge.—(Hemingb. i. p. 314.)
- May 4, S.—Assembly of barons at London. They decide to offer terms.—(Rish. De Bellis, p. 27.) Simon de Montfort knights Henry Hastings and John Fitz John.—(Gervase, ii. 236.) Citizens of Winchester attack St. Swithin's Priory.—(Ann. Wint. 101.)
- May 5, M.—The King marches to Robertsbridge.—(Battle Chr.) He is harassed on his passage through the Weald by the Welsh mercenaries of the barons' forces.—(Wykes, p. 147.) Skirmish with baronial forces under John de la Haye at Flimwell.—(Battle Chr.)
- May 6, T.—The King marches to Battle. He fines the abbey for the share some of their dependents had in the skirmish at Flimwell.—(Battle Chr.) The barons leave London.—(Lib. De Ant. Leg. 62.)
- May 7, W.—The King marches to Winchilsea.—(Gervase, ii. 236.)

¹ Edward had, I suppose, marched south after the King; he is not mentioned as being at Rochester, but is specially mentioned at Tunbridge.

² The exact dates of these marches of the King from May 3 to May 7 are conjectural.

- May 8, Th.—The King at Winchilsea. Takes the lands of rebels into his own hands.—(Pat. Roll.) He takes hostages from Romney and Winchilsea.—(Gervase, ii. 236.)
- May 9, F.—The King marches to Battle¹, and there learns that the barons have left London, and sends out spies.—(Battle Chr.) He summons the men of the Weald to come with horses and arms; similar letters are sent to Robert Crevequer and Geoffrey de S. Leodegar. He accepts the promises of the bailiffs and barons of Winchelsea, and sends back their hostages; they are to prepare their ships for his service.—(Close Roll.)
- May 10, S.—Feast of SS. Gordian and Epimachus. The King marches to Hurst (Hurstmonceux, Sussex).—(Battle Chr.)
- May 11, S.—The King marches to Lewes and takes up his quarters in the priory. Edward occupies the castle.—(Hemingb. i. 314.) ‘In crastino sanctorum Gordiani et Epimachi.’—(Ann. Lond. 62.) The King summons Giles d’Argentine and William de Say to come with arms.—(Close Roll.) The barons are at Fletching, six miles from Lewes.
- May 12, M.—Feast of SS. Pancras, Nereus, and Achilleus. Decision of King as to lands of John of Cobham who had resisted him at Rochester; date, Lewes, May 12.—(Pat. Roll.) Mission of the Bishop of Chichester and the Franciscan Friars with a letter from the barons. Answers of Henry and of Richard and Edward defying the barons. (See note on l. 257.)
- May 13, T.—Mission of Bishops of Worcester and London to offer compensation. The King positively rejects all offers of peace, and the barons renounce their homage.—(Rish. De Bellis, 27–30; Ann. Wint. 101.)
- May 14, W.—Feast of SS. Victor and Corona. Battle of Lewes and defeat of the King. See note on ll. 14, 15.
- May 15, Th.—Mise of Lewes.—(Hemingb. i. 318.)
- May 16, F.—Edward surrenders to the barons as a hostage.—(id. ib.)

¹ ‘Post triduum autem egressus a loco illo (Winchilsea) venit in sequente sabbati ad villam de Lewes,’ Hemingb. i. 314.

- May 17, S.—The King and de Montfort leave Lewes and reach Battle, where a writ is issued to Drogo de Barentin, Warden of Windsor Castle, as to the prisoners in his charge.—(Pat. Roll.; Foedera i. 790.)
- May 20, T.—The King reaches Canterbury.—(Gervase, ii. 238).
- May 25, S.—The King and de Montfort leave Canterbury and march to Rochester.—(id. ib.)
- May 26, M.—The King writes to Louis IX of France that peace has been made with the barons; dated Rochester.—(Close Roll.)
- May 27, T.—Rochester Castle surrenders to de Montfort.—(Gervase, ii. 238.)
- May 28, W.—The King reaches London and remains there till after Aug. 11.—(Close Roll.)
- June 1, S.—The Legate summons the baronial bishops to Boulogne.—(Gervase, ii. 239.)
- June 18, W.—The Jews taken under royal protection.—(Pat. Roll.)
- June 23, M.—Meeting of de Montfort's Parliament. Appointment of the three Electors.—(Pat. Roll.)
- Aug.—The King and de Montfort go to Canterbury before Aug. 14.—(Pat. Roll.) (No doubt to keep a watch on the fugitives of the royalist party at Boulogne.) They remain at Canterbury till the end of September.



APPENDIX III.

LA BESTURNÉ, BY RICHARD. *findering
the best of it.*

The following thirteenth-century French comic poem by an Englishman, found in MS. Harley 978 ff. 106 to 107, has not, I believe, been printed before. The writer, one Richard, excusing himself for his want of experience in versifying, gives some details which seem to show that he was a native of the South-West. The latter part of the poem seems to relate to some incidents in the disputed election to the see of Winchester after the death of Ethelmar, Dec. 1260. This quarrel was not terminated by the appointment of John of Exeter, Nov. 1262. The mention of this prelate (l. 141) shows that this piece cannot be dated earlier than 1263, while its occurrence in our MS. just before the Song of Lewes would, to my mind, point to its being no later than 1264.

LA BESTURNÉ.

Estrangement	[106 r° 1.
se fet mun <i>quer</i> dolent,	
Pus <i>que</i> io ai gaste mun tens	
Saunz rimer de aucun sens,	
E de aucun hure.	
Ore me mettent la gent sure	
Sus <i>et</i> ius que rimer ne sai	[106 r° 2.
Nent plus a lur dit	
perdu ai	
mun delit,	10
Ceo <i>est</i> par dreit,	
Pus que iai receu cest freit	
Par chalur,	
home sui de <i>grant</i> ualur,	
E si sui bon tregetur.	

Io fauereie une pume treïeter,
 Quele ne ualdreit
 pas un dener, Pur uendre.
 Febles sui e fort e tendre,
 Hardi pur bataille en prendre 20
 A un leuere,
 Si faz de ma trine cheuere,
 Charpenter sui e bon feueré
 A tut le meïns.
 Vuerur sui de bons freins,
 Si nai mes pe~~z~~ ne mes meïns
 en iustise.
 Ceo ~~est~~ de une noue~~le~~ asise,
 Ore iai use cette guise
 pus feuerer. 30
 Ore me couient comencer
 par enfance,
 Amur me est driet a nusance
 Ki me cohforte,
 maladie me fet *trop* fort,
 E saunte me met a la mort.
 A meisme de brudeport,
 al west de tambre,
 Io ai mes bons en ma chambre,
 En un soler 40
 Chescun a un coler,
 fet de marbre.
 Si ~~sunt~~ lie~~z~~ a un arbre
 par les testes
 Pur aler a hauste festes ;
 Si ai tuz mes aultre bestes
 en ma *grange*,
 Assez en unt il linge e lange,
 Fin amur par dreite haunge
 me *trauaille*, 50

34. Read confort.

38. This seems a jest of Richard's; Bridport lies, of course, east of the Tamar.

39. Read bous.

Quant iai aucun lit que ki uaille

Si *est* il fet en la turaille

Beneit seit ki le me paraille;

ceo *est* ma drue,

Ki me fet de ma curue

cuuertur.

Io lapel fin amur,

[106 v° 1.

par druwerie;

E le ad este ma amie

treze aunz,

60

Que iai de lui enfaunz seze

Ni faillent que treis e treze,

Les treis sunt a paris pur aprendre

Fere mulins a uendre,

pur hanaps.

Ne tenez pas mes diz a gas

Cest uers fit io lautreer

Cum men alai a muster,

en dormant

Entur hure de nune.

70

Ki conseil me dune,

naim io pas,

A decertes ne me agas.

Iai a gage tuz mes dras

a la mine,

Pur agruter la raine,

Que deez i uaille

Cet ai io *apri's* en cornwaille.

Entre doure e la bataille

la oi une pie

80

crier en lindesie,

Que la noise fu oie

Jesken lumbardie.

Vn clerc de normendie

61. The MS. has 'seze' enfaunz.

66. The MS. has 'Ne nē tenez,' marked thus for elision. After
1. 66 follows 'Que iai a gorge tuz mes dras,' but it is marked for
elision, and is probably due to confusion with ll. 73 and 74.

79. Read Entre Douvre e la Bataille; 'between Dover and Battle.'

Me dist que signefie
 la *grant* guerre
 De rimeur de engleterre
 e de mei.
 Ne se prenge nul amei
 Trestuz les abaterei 90
 par ma bote
 Plus en sai de ceste rote.
 Que rei roger le fiz reinfrei
 mad lœ
 Que ne seie a roe
 par *trop* beiuere,
 Par tant pus mes amis deceiuere
 E mes enfaunz,
 De ma espee faz fere gaunz
 Od la bone gauncillie faz fere thous. 100
 Ore oez *cum* io sui fous,
 Io ai mes fers e mes clous
 escorche,
 Pur mes amis a forcer [106 v° 2.
 De ben uiure.
 Hume ki tuz iurz est iuere,
 En poet auer le quer malade
 Fade, e heite
 Ore ai ben espleite,
 E ai gaite ben mes puinz 110
 Io ne irrai weres luinz ;
 De reisun,
 Io ai desuz ma meisun
 Vn uiuer,
 Ki pent haut sur un perer
 de sein riule,
 Couert de plum e de tiule
 Pur la niule
 Que uet haut
 Tuz iorz *quant* me faut. 120
 Io uois la
 93. Roger le fiz . . . frel.

Preng ceo que il nia,
 plein muz poin
 Ai tant li copei le groin,
 plein pouz e demi.
 Ki fiz merc en la quisse
 Al bon cheual poisse
 Quant fu pris de haraz,
 Al tens mestre huge lauernaz.

Assez i aueient chens e chaz

130

Armez ioska lepigaz,
 Chescun tint un mace en sa main,
 E un quarter de blanc pain
 pur manacer

Les uileins de Wincestre,
 Ki de lurs femmes aueient fet prestre
 pur chanter.

Nus lapelum damisele e bacheler
 Par eschars

a un de eus costa cent mars,

140

E ua al hostel mestre iohaans de eccestre,

Turnez cel auant a destre.

en la place

Richard robbe nous manace

a destrure,

Nun fra par auenture

io nai cure.

Il est fous e engres

Ses amis ne osent auer pes.

Si io ne sui truunr de uers,

150

Io troes le cunte v io le les,

[107 r^o 1.

E ceo souent.

Ceo fist richard en un este,

Si lapela la besturne.

Tu autem domine miserere, cawe, amen.

129. That is Master Hugh the Auvergnat. There is nothing to show who he was.

131. Lepigaz, = l'epigast (epigastrium).

151. Read troef. 'I make the tale when I it read'; 'les,' however, looks suspicious, one would expect a word to rhyme with 'uers.'

154. La besturne = the upside-down. 155. Cawe, i.e. 'I crave.'

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